

Licensing Committee Agenda

Date: Monday, 8th June, 2015
Time: 2.00 pm
Venue: Committee Suite 1, 2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive apologies for absence.

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests in any item on the agenda.

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

4. **Minutes of Previous Meeting** (Pages 1 - 2)

To approve the minutes of the meeting held on 9 March 2015.

5. **Minutes of Licensing Sub-Committees** (Pages 3 - 16)

To receive the minutes of the following meetings:

Licensing Act Sub-Committee

27 March 2015

6 May 2015

General Licensing Sub-Committee

2 April 2015

10 April 2015

6. **Terms of Reference** (Pages 17 - 28)

For Members' information, the Committee's terms of reference and those of its sub-committees, as set out in the Constitution, are attached.

7. **Update on the Licensing Committee's Working Group** (Pages 29 - 32)

To note the progress of the Licensing Committee Working Group tasked with looking into the Late Night Levy.

8. **Details of Licensed Vehicles Suspended** (Pages 33 - 40)

To note the licensed vehicles suspended by Licensing Officers for the period 1 January 2015 to 20 May 2015.

9. **Revised Statement of Gambling Principles** (Pages 41 - 118)

To consider the proposed revised Statement of Principles.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Monday, 9th March, 2015 at Committee Suite 1, 2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor P Whiteley (Chairman)

Councillors C Andrew, Rhoda Bailey, I Faseyi, M Hardy, A Harewood,
L Jeuda, S Jones, D Mahon, M Parsons, L Smetham and J Wray

OFFICERS PRESENT

Sheela Dutton, Lawyer

Nick Kelly, Environmental Protection Team Leader

Hamish Roscoe, Senior Enforcement Officer, Environmental Protection

Julie Zientek, Democratic Services Officer

14 APOLOGIES FOR ABSENCE

Apologies were received from Councillors D Bebbington, S Davies and G Wait.

15 DECLARATIONS OF INTEREST

There were no declarations of interest.

16 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

17 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 19 January 2015 be approved as a correct record and signed by the Chairman.

18 MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED – That the minutes of the Licensing Act Sub-Committee meetings held on 27 January 2015 and 30 January 2015, and the General Licensing Sub-Committee meetings held on 4 February 2015 and 17 February 2015 be received.

19 IMPLEMENTATION OF THE MOBILE HOMES ACT 2013 (FEES AND CHARGES POLICY)

The Committee considered a report regarding the recently enacted Mobile Homes Act 2013, which amended the Caravan Sites and Control of Development Act 1960.

The Act was intended to raise standards in the industry across the country. It introduced important changes relating to the buying, selling and gifting of residential caravans and the setting of pitch fees. It also enabled effective enforcement action to be taken against operators who failed to comply with their licence obligations. In addition, the Act allowed the Council to recover the costs of administering the statutory licensing function with respect to residential caravan sites through the setting of local fees and charges.

RESOLVED

- (a) That the changes introduced by the Mobile Homes Act 2013 be noted.
- (b) That the Principal Manager, Regulatory Services and Health, be given delegated authority to exercise the Council's powers under the Mobile Homes Act 2013, apart from setting fees, until such time as the matter is further considered by the Constitution Committee.
- (c) That the Regulatory Services and Health Mobile Homes Act 2013 Fees and Charges Policy 2015-16, as set out in Appendix 1 to the report, be approved.

The meeting commenced at 2.00 pm and concluded at 2.33 pm

Councillor P Whiteley (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Friday, 27th March, 2015 at Committee Suite 2/3 - Westfields,
Middlewich Road, Sandbach, CW11 1HZ

PRESENT

Councillor P Whiteley (Chairman)

Councillors M Parsons and L Smetham

OFFICERS IN ATTENDANCE

Kim Evans, Licensing Team Leader

Patricia Evans, Lawyer (Observer)

Aoife Ryan, Lawyer

Julie Zientek, Democratic Services Officer

27 APPOINTMENT OF CHAIRMAN

RESOLVED –That Councillor P Whiteley be appointed Chairman.

28 DECLARATIONS OF INTEREST

There were no declarations of interest.

**29 APPLICATION FOR A PREMISES LICENCE - PARK NEWS, 71 - 73
BROWN STREET, MACCLESFIELD SK11 6RY**

The Sub-Committee considered a report regarding an application for a Premises Licence for Park News, 71 - 73 Brown Street, Macclesfield, Cheshire SK11 6RY.

The following attended the hearing and made representations with respect to the application:

- the applicant
- a solicitor representing the applicant
- a supporter of the applicant

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy

- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties, the following course of action had been agreed:

RESOLVED - That the application for a premises licence be granted as applied for, subject to the following additional conditions:

1. That the Challenge 25 scheme be implemented;
2. That CCTV be installed, operated and maintained to the satisfaction of the Police Licensing Officer;
3. That the Designated Premises Supervisor ensure that a refusal book is held at the premises and completed in respect of any sales refused in relation to persons that are under age. The book shall be made available at the request of any authorised persons such as the Council's Licensing Officers, Police and other responsible authorities;
4. That all alcohol which is offered for sale be held in a secure area whilst the premises are open, outside the licensed hours, to the satisfaction of the Police Licensing Officer.

The Applicant and Parties who had made relevant representations were reminded of their right to appeal this decision to the Magistrates Court within 21 days.

The meeting commenced at 9.30 am and concluded at 10.25 am

Councillor P Whiteley (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Wednesday, 6th May, 2015 at Committee Room 3 - Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor W S Davies (Chairman)

Councillors Rhoda Bailey and I Faseyi

OFFICERS IN ATTENDANCE

Tracey Billington, Enforcement Officer - Environmental Protection

Nikki Cadman, Licensing Officer

Jodi Embery, Licensing Officer

Aoife Ryan, Lawyer

Julie Zientek, Democratic Services Officer

30 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor S Davies be appointed Chairman.

31 DECLARATIONS OF INTEREST

There were no declarations of interest.

32 APPLICATION TO VARY A PREMISES LICENCE - THE VINE INN, 42 HOSPITAL STREET, NANTWICH, CHESHIRE CW5 5RP

The Sub-Committee considered a report regarding an application to vary a Premises Licence for The Vine Inn, 42 Hospital Street, Nantwich.

The following attended the hearing and made representations with respect to the application:

- the applicant
- a representative of the applicant
- two local residents
- a representative of the Environmental Health Service

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy

- The four licensing objectives (namely the prevention of crime and disorder, public safety, the prevention of public nuisance, and the protection of children from harm)
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties, the following course of action had been agreed:

RESOLVED

- (a) That the application for a variation to the Premises Licence be granted as follows:
1. Opening Hours of the Premises
Monday to Sunday 08.00 to 01.00
 2. Sale and Supply of Alcohol (On and Off the premises)
Sunday to Thursday 10.00 to 00.00
Friday to Saturday 10.00 to 00.30

From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day
 3. Provision of regulated entertainment- Live and Recorded Music (Indoors)
Sunday to Thursday 10.00 to 00.00
Friday to Saturday 10.00 to 00.30

From the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day
 4. The plans to remove fixed seating and extend the bar servery are approved and shall have effect upon the completion of works as notified to the Licensing Authority in writing.
- (b) That the following agreed conditions, proposed by the Environmental Health Officer, be attached to the premises licence:
1. All external windows and doors shall be closed whilst regulated entertainment is taking place, except for normal access and egress.
 2. Thirty minutes before the end of the time permitted for the provision of regulated entertainment the music levels shall be gradually reduced to a lower volume and tempo.

- (c) That the following agreed conditions, proposed by the police, be attached to the premises licence:
1. A CCTV system will be installed at the premises to the satisfaction of the Police Licensing Officer. It must record at all times the premises are open to the public. Unedited images must be securely retained for at least 28 days and copies made freely available upon request to a constable or an employee of the Police Authority or Local Authority.
 2. The Premises Licence Holder will ensure that a comprehensive risk assessment is conducted, at intervals of not more than 31 days, into the need for door supervisors to be on duty at the premises. This risk assessment will be recorded in writing, produced to a constable and authorised officers of the local authority on request, and a copy retained at the premises for a period of at least 6 months from the date of the assessment.
- (d) That the following agreed conditions, proposed by the applicant, be attached to the premises licence:
1. An incident log shall be kept at the premises and made available on request to an authorised officer of the Local Authority or the Police, which shall record the following:
 - All crimes reported to the venue
 - All ejections of patrons
 - Any complaints received concerning crime and disorder
 - Any incidents of disorder
 - All seizures of drugs or offensive weapons
 - Any refusal of the sale of alcohol
 - Any visit by a relevant authority or emergency service
 2. Staff shall have regular walk rounds to monitor the premises from Midnight until closing.
 3. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
 4. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
 5. Patrons permitted to temporarily leave and then re-enter the premises eg to smoke, shall not be permitted to take drinks or glass containers with them.
 6. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving

licence, passport or proof of age card with the PASS hologram-Challenge 21.

7. A record shall be kept detailing all refused sales of alcohol. The record must include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer of the Local Authority at all times whilst the premises are open.

The Applicant and Parties who had made relevant representations were reminded of their right to appeal this decision to the Magistrates Court within 21 days.

The meeting commenced at 9.30 am and concluded at 11.32 am

Councillor W S Davies (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **General Licensing Sub-Committee**
held on Thursday, 2nd April, 2015 at West Committee Room - Municipal
Buildings, Earle Street, Crewe, CW1 2BJ

PRESENT

Councillor P Whiteley (Chairman)

Councillors D Bebbington, W S Davies, I Faseyi and L Smetham

OFFICERS IN ATTENDANCE

Patricia Evans, Lawyer (Observer)

Jim Hopper, Licensing Officer

Martin Kilduff, Licensing Officer (Observer)

Aoife Ryan, Lawyer

Julie Zientek, Democratic Services Officer

76 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

77 APOLOGIES FOR ABSENCE

There were no apologies for absence.

78 DECLARATIONS OF INTEREST

There were no declarations of interest.

79 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED - That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

80 14-15/37 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter fell within the Council's policy for determination by the Sub-Committee. Accordingly, the hearing had been convened to enable the Sub-Committee to determine whether

the licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder and a representative of the licence holder attended the hearing and made representations in respect of the case.

After a full hearing and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED – That the licence holder is a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence, but that the Joint Hackney Carriage/Private Hire Driver Licence be suspended for a period of four months.

The licence holder was reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

81 14-15/36 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the application for a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant and a representative of the applicant attended the hearing and made representations in respect of the case.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED - That the applicant is not a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence, and that the Joint Hackney Carriage/Private Hire Driver Licence be refused.

The applicant was reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

82 14-15/38 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter fell within the Council's policy for determination by the Sub-Committee. Accordingly, the hearing had been convened to enable the Sub-Committee to determine whether the licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder attended the hearing and made representations in respect of the case.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED - That the licence holder is no longer a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence and that the licence be revoked.

The licence holder was reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

83 14-15/39 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter fell within the Council's policy for determination by the Sub-Committee. Accordingly, the hearing had been convened to enable the Sub-Committee to determine whether the licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder was not in attendance at the hearing.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED - That the licence holder is no longer a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence and that the licence be revoked.

The Sub-Committee noted that the licence holder would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

The meeting commenced at 9.30 am and concluded at 12.57 pm

Councillor P Whiteley (Chairman)

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **General Licensing Sub-Committee**
held on Friday, 10th April, 2015 at Committee Suite 1 & 2, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor P Whiteley (Chairman)

Councillors Rhoda Bailey, D Bebbington, A Harewood and M Parsons

OFFICERS IN ATTENDANCE

Jim Hopper, Licensing Officer
Martin Kilduff, Licensing Officer (Observer)
Aoife Ryan, Lawyer
Julie Zientek, Democratic Services Officer

84 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

85 APOLOGIES FOR ABSENCE

There were no apologies for absence.

86 DECLARATIONS OF INTEREST

There were no declarations of interest.

87 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED - That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

88 14-15/40 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine

whether the application for a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant attended the hearing and made representations in respect of the case.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED - That the applicant is not a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence, and that the application for a Joint Hackney Carriage/Private Hire Driver Licence be refused.

The applicant was reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

89 14-15/41 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the application for a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant and a representative of the applicant attended the hearing and made representations in respect of the case.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED

- (a) That the applicant is at this time a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence, and that the application for a licence be granted for a period of twelve months to enable the applicant to demonstrate that they continue to be a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.
- (b) That the application for renewal of this licence be referred to a meeting of the General Licensing Sub-Committee for consideration,

to enable the Licence Holder to demonstrate that they continue to be a fit and proper person to hold a licence.

The applicant was reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

90 14-15/42 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter fell within the Council's policy for determination by the Sub-Committee. Accordingly, the hearing had been convened to enable the Sub-Committee to determine whether the licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder attended the hearing and made representations.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED

- (a) That a formal warning be issued with respect to the licence holder's conduct.
- (b) That the licence holder remains at this time a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder was reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

91 14-15/43 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the application for a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant and a representative of the applicant attended the hearing and made representations in respect of the case.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED - That the applicant is not a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence, and that the application for a Joint Hackney Carriage/Private Hire Driver Licence be refused.

The applicant was reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

The meeting commenced at 9.30 am and concluded at 12.30 pm

Councillor P Whiteley (Chairman)

LICENSING COMMITTEE**Structures, Membership and Delegations**

- (1) The Licensing functions of the Council shall be carried out by the following bodies:
- (2) A full Licensing Committee of 15 Members (with a quorum of 8)
- (3) Sub-Committees to be established by the Licensing Committee on an ad hoc basis, comprising 3 Members drawn from the full Committee, to deal with matters under the Licensing Act 2003 and the Gambling Act 2003.
- (4) Sub-Committees to be established by the Licensing Committee on an ad hoc basis, comprising 5 Members (with a quorum of 3) drawn from the full Committee (of which at least one shall, subject to availability, be the Chairman or Vice Chairman of the full Committee), to deal with 'general' licensing matters.
- (5) The requirement of political proportionality under section 15 of the Local Government and Housing Act 1989 is waived in relation to the sub-committee established under (4) above.
- (6) The Council has delegated to the Licensing Committee those licensing functions which are the responsibility of Council as set out in Appendix 1, subject to the proviso that before any Councillor who is a member of the Licensing Committee can attend a meeting and participate in the determination of an application or appeal by any individual or body, that Councillor must have attended a suitable training course dealing with the quasi-judicial nature of the role of the Committee.

LICENSING

SECTION 2A - Council (Non-Executive) Functions – Summary of Responsibilities

Function	Decision making body	Delegation (to the extent set out in Section 2C)
Taxi and miscellaneous licensing ¹ (i.e. functions relating to licensing and registration other than in relation to Licensing Act 2003, Gambling Act 2005, highways, marriage premises, village greens, trading standards functions and fire safety/safety at sports grounds)	Licensing Committee	Head of Safer and Stronger Communities
Functions relating to licensing under the Licensing Act 2003 and the Gambling Act 2005 ²	Licensing Committee	Head of Safer and Stronger Communities
Power to institute criminal proceedings under the Gambling Act 2005 ³	Licensing Committee	Head of Legal Services
Power to resolve not to issue a casino premises licence ⁴	Council	
Health and Safety Functions (otherwise than in the authority's capacity as an employer) ⁵	Licensing Committee	Head of Safer and Stronger Communities
Functions in relation to smoke-free premises ⁶	Licensing Committee	Head of Safer and Stronger Communities
Designated Public Places Orders ⁷	Licensing Committee	
Alcohol Disorder Zones ⁸	Licensing Committee	
Functions relating to the Scrap Metal Dealers Act 2013	Licensing Committee	Head of Communities
Power to institute criminal proceedings under the Scrap Metal Dealers Act 2013	Licensing Committee	Head of Legal Services and Monitoring Officer

¹ Items 1-5, 15-18, 20, 24-25, 29-33, 35, 39, 40, 56 –60, 62-68, 71 of paragraph B of Schedule 1 of the Local Authorities (Functions and Responsibilities)(England) Regulations 2000

² Item 14A and items 14AA – 14AC, 14C, 14CA, 14E-14G of paragraph B of Schedule 1 of the 2000 Regulations together with section 154 and 232, Schedule 10 paragraph 6, Schedule 12 paragraph 28, Schedule 13 paragraph 3 and Schedule 14 paragraph 7 of the Gambling Act 2005

³ Item 14D of paragraph B of Schedule 1 of the 2000 Regulations

⁴ Item 14B of paragraph B of Schedule 1 of the 2000 Regulations

⁵ Paragraph C of Schedule 1 of the 2000 Regulations

⁶ Paragraph FA of Schedule 1 of the 2000 Regulations

⁷ Item 49 of paragraph I of Schedule 1 of the 2000 Regulations

⁸ Item 50 of paragraph I of Schedule 1 of the 2000 Regulations

SECTION 2B - Council (Non-Executive) Functions - Committees Terms of Reference.

LICENSING COMMITTEES

Matters relating to the administration of licences which are determinable by the Council as set out within the attached Schedule, including the delegation of functional responsibility to individual officers for determination of any application for Consents, Licences, Certificates, Permits, Registrations or the like.

To hear and determine appeals against any decisions of Officers in relation to the grant, renewal, transfer, variation, refusal, revocation, suspension or imposition of condition in accordance with the Council's licensing procedure.

The discharge of the Council's functions under section 13(2) the Criminal Justice and Police Act 2001

The discharge of the Council's functions under section 16 the Violent Crime Reduction Act 2006.

Provided that before any Councillor who is a member of the Licensing Committee can attend a meeting and participate in the determination of an application or appeal by any individual or body, that Councillor must have attended a suitable training course dealing with the quasi-judicial nature of the role of the Committee.

Responsibilities of Full Committee and Sub-Committees

The functions of the Licensing Committee (subject to the delegations to officers contained within Section 2C) shall be determined by the Full Committee or Sub-Committees based on the delegations set out below.

These delegations to Sub-Committees shall be subject to the proviso that the Chairman or Vice Chairman of the full Committee may refer a matter up from a Sub-Committee to the full Committee where that matter is significant or controversial in nature.

LICENSING ACT 2003/GAMBLING ACT 2005 SUB-COMMITTEE

Function	Full Committee	Sub-Committee
Determination of application for Premises Licence (section 18(3) 2003 Act)		To determine applications where representations have been made and not withdrawn
Determination of application for Provisional Statements (section 31(3) 2003 Act)		To determine applications where representations have been made and not withdrawn
Determination of application for variation of Premises Licence (section 35(3) 2003 Act)		To determine applications where representations have been made and not withdrawn
Determination of application for variation of designated premises supervisor (section 39(3) 2003 Act)		To determine applications where police objection has been made
Determination of application for transfer of Premises Licence (section 44(5) 2003 Act)		To determine applications where police objection has been made
Determination of application relating to an interim authority notice (section 48(3) 2003 Act)		Consideration of police objection to an interim authority notice
Determination of application for a review of a Premises Licence (section 52(2) 2003 Act)		To determine applications for review
Determination of an application for a Club Premises Certificate (section 72(3) 2003 Act)		To determine applications where representations have been made and not withdrawn
Determination of an application to vary a Club Premises Certificate (section 85(3) 2003 Act)		To determine applications where representations have been made and not withdrawn
Determination of an application for the review of a Club Premises Certificate (section 88 2003 Act)		To determine review applications
Decision to give a counter notice to a Temporary Event Notice (section 105(2) 2003 Act)		To give a counter notice following a police objection to a temporary event notice
Determination of application for the grant of a Personal Licence (section 120(7) 2003 Act)		To determine applications where police objection has been made
Determination of application for the renewal of Personal Licence (section 121(6) 2003 Act)		To determine applications where police objection has been made
Revocation of Personal Licence (section 124(4) 2003 Act)		To revoke Personal Licence where convictions come to light after the grant/renewal of the Licence

Determination of review following closure order (section 167(5) 2003 Act)		To determine review applications following a closure order where representations are made
Decision to object when the local authority is the consultee not the relevant authority considering an application (2003 Act)		To determine whether to make an objection
Determination of application for Premises Licence (section 163 2005 Act)		To determine applications where representations have been made and not withdrawn
Determination of application for variation of Premises Licence (section 187 2005 Act)		To determine applications where representations have been made and not withdrawn
Determination of application for transfer of Premises Licence (section 188 2005 Act)		To determine applications where objection has been made
Consideration of objection made to application for reinstatement (section 195 2005 Act)		To consider the objection
Determination of an application for the review of a Premises Licence (section 201 2005 Act)		To determine review application
Determination of application for Provisional Statement (section 204 2005 Act)		To determine applications where representations have been made and not withdrawn
Decision to give a counter notice to a Temporary Use Notice (section 224 2005 Act)		To give a counter notice following an objection to a temporary use notice
Consideration of representations in relation to proposed rejection of a club gaming permit or club machine permit (schedule 12 2005 Act)		To consider representations and determine whether permit to be rejected
Cancellation of club gaming permit or club machine permit (schedule 12 2005 Act)		To determine whether to cancel permit
Decision to make an order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises (section 284 2005 Act)		To determine whether an order to be made where representations made by licensee and not withdrawn.
Power to set fees for Premises Licence (section 212 2005 Act)	To set fees	
Determination of interim steps pending summary review (sections 53A(2) (a) or 53B of the 2003 Act)		To determine interim steps
Functions under Section 53C (review following review notice) in a		To determine the review application

case where relevant representations have been made		
--	--	--

GENERAL LICENSING SUB-COMMITTEE

Subject to the matters reserved to the full Committee below, the 'general' Licensing Sub-Committee shall deal with the licensing functions set out below together with any other function within Schedule 1 referred to it by officers (with the exception of matters under the Licensing Act 2003/Gambling Act 2005).

Function	Full Committee	Sub-Committee
Power to licence (first grant, renewal and transfer) hackney carriages and private hire vehicles		To determine applications where the vehicle does not meet the Council's vehicle conditions or the vehicle does not pass the inspection.
Power to suspend or revoke hackney carriage and private hire vehicle licences		To note reports relating to officer decisions to suspend vehicle licences. The power to revoke vehicle licences.
Power to licence (first grant or renewal) operators licences		To determine applications where the Council's requirements are not met.
Power to suspend or revoke operators licences		To note reports relating to officer decisions to suspend operators licences. Power to revoke operators licences.
Power to licence (first grant or renewal) hackney carriage and private hire drivers		To determine applications where the driver does not meet the Council's requirements.
Power to suspend or revoke hackney carriage and private hire drivers licences		To note reports relating to officer decisions to suspend drivers licences. Power to revoke drivers licences.
Power to set fees in relation to hackney carriage and private hire drivers, vehicles and operators	Power to set fees.	

Power to licence sex establishments (including first grant, renewal, transfer and variation of conditions)		<p>First grant.</p> <p>Renewal: if objections are received and are not withdrawn.</p> <p>Transfer: if objections are received and not withdrawn.</p> <p>Variation of conditions.</p>
Power to set fees for sex establishments	Power to set fees	
Power to licence street collection		<p>To determine requests for waiver of the Council's street collection regulations.</p> <p>Determines appeals against officer refusal.</p>
Power to licence House to House collection		Determines appeals against officer refusal.
Power to issue street trading licences or consents		<p>To determine applications for street trading consents where representations have been received (and not withdrawn).</p> <p>To determine applications for street trading licences.</p>
Power to designate streets as consent streets, licence streets or prohibited streets.	Power to designate streets	
Power to set fees in relation to street trading	Power to set fees.	
Power to make a Designated Public Places Order	Power to make order	
Power to designate area as an Alcohol Disorder Zone	Power to make designation	
Power to approve policy in relation to the Scrap Metal	Power to set policy	

Dealers Act 2013		
Power to set fees and charges in relation to scrap metal dealers licences	Power to set fees and charges	
Power to license (first grant, renewal and application to vary) regarding a site licence and a collectors licence under the Scrap Metal Dealers Act 2013		To determine applications where the applicant has indicated that he/she is taking advantage of the opportunity for a hearing under Section 7 of the Act or where conditions are proposed by officers
Power to revoke or vary a licence under the Scrap Metal Dealers Act 2013		The power to revoke or vary a scrap metal dealers licence
Power to issue a closure notice under the Scrap Metal Dealers Act 2013		Power to issue a closure notice
Termination of a closure order		Power to terminate a closure order

SCHEDULE OF FUNCTIONS

All Council (non-executive) functions relating to:

(a) licensing and registration functions in respect of:

- (i) Caravan sites and moveable dwellings/camping sites⁹
- (ii) Hackney carriages and private hire vehicles, drivers and operators¹⁰
- (iii) Sex shops and sex cinemas¹¹
- (iv) Performances of hypnotism¹²
- (v) Acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis¹³
- (vi) Pleasure boats and vessels¹⁴
- (vii) Market and street trading¹⁵
- (viii) Premises for the preparation of food¹⁶
- (ix) Scrap yards and motor salvage operators¹⁷
- (x) Dog breeding, pet shops, animal breeding, animal trainers and exhibitors, zoos and wild animals¹⁸
- (xi) Employment of children¹⁹
- (xii) Charitable collections²⁰
- (xiii) Operation of loudspeakers²¹
- (xiv) Storage of celluloid²²
- (xv) Meat product premises and dairy establishments²³
- (xvi) Egg products, butchers and fish products²⁴
- (xvii) Auction and wholesale markets²⁵
- (xviii) Food business premises²⁶

(b) Health and safety at work²⁷ to the extent that those functions are discharged otherwise than in the authority's capacity as an employer;

(c) smoke-free premises under the Health Act 2006 and regulations;²⁸

⁹ Items 2 & 3 of para B of Schedule 1 Local Authorities (Functions and Responsibilities)(England) Regulations 2000

¹⁰ Items 3 – 5 of para B of Schedule 1 to the 2000 Regulations

¹¹ Item 15 of para B of Schedule 1 to the 2000 Regulations

¹² Item 16 of para B of Schedule 1 to the 2000 Regulations

¹³ Item 17 of para B of Schedule 1 to the 2000 Regulations

¹⁴ Item 18 of para B of Schedule 1 to the 2000 Regulations

¹⁵ Item 20 of para B of Schedule 1 to the 2000 Regulations

¹⁶ Item 24 of para B of Schedule 1 to the 2000 Regulations

¹⁷ Item 25 and 71 of para B of Schedule 1 to the 2000 Regulations

¹⁸ Items 29 – 33 of para B of Schedule 1 to the 2000 Regulations

¹⁹ Item 35 of para B of Schedule 1 to the 2000 Regulations

²⁰ Item 39 of para B of Schedule 1 to the 2000 Regulations

²¹ Item 40 of para B of Schedule 1 to the 2000 Regulations

²² Item 56 of para B of Schedule 1 to the 2000 Regulations

²³ Items 57-59 of para B of Schedule 1 to the 2000 Regulations

²⁴ Items 60-65 of para B of Schedule 1 to the 2000 Regulations

²⁵ Item 66 of para B of Schedule 1 to the 2000 Regulations

²⁶ Item 67 of para B of Schedule 1 to the 2000 Regulations

²⁷ Para C of Schedule 1 to the 2000 Regulations

²⁸ Para FA of Schedule 1 to the 2000 Regulations

- (a) Designated Public Place Orders under the Criminal Justice and Police Act 2001 and regulations²⁹
- (b) Alcohol Disorder Zones under the Violent Crime Reduction Act 2006³⁰
- (c) the following functions under the Licensing Act 2003³¹ and the Gambling Act 2005³²:
- (i) section 18(3) of the 2003 Act (determination of application for a premises licence where representations have been made);
 - (ii) section 31(3) of the 2003 Act (determination of application for provisional statements where representations have been made);
 - (iii) section 35(3) of the 2003 Act (determination of application for variation of premises licence where representations have been made);
 - (iv) section 39(3) of the 2003 Act (determination of application to vary designated premises supervisor following police objection);
 - (v) section 44(5) of the 2003 Act (determination of application for transfer of premises licence following police objection);
 - (vi) section 48(3) of the 2003 Act (consideration of police objection made to an interim authority notice);
 - (vii) section 52(2) or (3) of the 2003 Act (determination of an application for review of a premises licence);
 - (viii) section 72(3) of the 2003 Act (determination of an application for a club premises certificate where relevant representations have been made);
 - (ix) section 85(3) of the 2003 Act (determination of application to vary club premises certificates where representations have been made);
 - (x) section 88(2) or (3) of the 2003 Act (determination of application for a review of club premises certificate);
 - (xi) section 105(2) (decision to give counter notice following police objection to a temporary event notice);
 - (xii) section 120(7) of the 2003 Act (determination of application for grant of personal licence following police objection);
 - (xiii) section 121(6) of the 2003 Act (determination of application for renewal of personal licences following police objection);
 - (xiv) section 124(4) of the 2003 Act (revocation of licence where convictions come to light after grant or renewal of personal licences);
 - (xv) section 167(5) (review following closure order where relevant representations have been made);
 - (xvi) Sections 53A(2) (a) and 53B of the 2003 Act (determination of interim steps pending summary review);
 - (xvii) Section 53C (review following review notice)
 - (xviii) section 163 of the 2005 Act (determination of an application for premises licences where representations have been made);
 - (xix) section 187 of the 2005 Act (determination of an application for variation of premises licence where representations have been made);

²⁹ Item 49 of para I of Schedule 1 to the 2000 Regulations

³⁰ Item 50 of para I of Schedule 1 to the 2000 Regulations

³¹ Item 14A of para B of Schedule 1 to the 2000 Regulations

³² section 154 and 232, Schedule 10 paragraph 6, Schedule 12 paragraph 28, Schedule 13 paragraph 3 and Schedule 14 paragraph 7 of the Gambling Act 2005

- (xx) section 188 of the 2005 Act (determination of application for transfer of premises licence following objection);
- (xxi) section 195 of the 2005 Act (consideration of objection made to an application for reinstatement);
- (xxii) section 201 of the 2005 Act (determination of review of a premises licence);
- (xxiii) section 204 of the 2005 Act (determination of application for a provisional statement where representations have been made);
- (xxiv) section 224 of the 2005 Act (decision to give counter notice following an objection to a temporary use notice)
- (xxv) schedule 12 of the 2005 Act (determination as to cancellation of a club gaming permit or club machine permit)
- (xxvi) schedule 12 of the 2005 Act (consideration of representations in relation to the proposed rejection of a club gaming permit or club machine permit).
- (xxvii) section 284 of the 2005 Act (determination of whether an order disapplying section 279 or 282(1) of the 2005 Act in relation to specified premises to be made)
- (xxviii) section 212 of the 2005 Act (power to set fees)

CHESHIRE EAST COUNCIL

Licensing Committee

Date of Meeting: 8th June 2015
Report of: Miss Kim Evans – Licensing Team Leader
Subject/Title: Update on the Licensing Committee's working group
Portfolio Holder: Cllr Les Gilbert – Communities

1.0 Report Summary

- 1.1 To provide Members' with an update on the progress of the Licensing Committee working group tasked with looking into the Late Night Levy.

2.0 Recommendation

- 2.1 That the Committee notes the report.

3.0 Reasons for Recommendations

- 3.1 To update Members of the Committee on the work of the group.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 The work and any recommendations of the working group would link directly to the Council's Statement of Licensing Policy.

7.0 Financial Implications

- 7.1 None identified

8.0 Legal Implications

- 8.1 None identified

9.0 Risk Management

- 9.1 Not applicable

10.0 Background

- 10.1 On the 14th January 2014 the Licensing Committee was asked by Cabinet, following a Notice of Motion, to consider whether it would be appropriate or not to implement a Late Night Levy. Following consideration of the request, the Licensing Committee resolved:

'That a Working Group, formed from Members of the Licensing Committee, be set up to identify options which may reduce the harmful effects of alcohol consumption within the Cheshire East area.'

- 10.2 The Working Group recognised the broad mandate given by the Licensing Committee and determined that it was necessary to look at the full range of powers at the Licensing Authority's disposal to achieve positive outcomes in the late night economy.
- 10.3 The Working Group set its own project plan (appendix 1) in line with the resolution and instruction from the Licensing Committee. The group is considering a number of other options available in addition to the Late Night Levy:

- § Early Morning Restrictions Orders
- § Designated Public Place Orders/Public Space Protection Orders
- § Cumulative Impact Policies
- § Voluntary and best practice schemes
- § Any other matter the Group considers appropriate

- 10.4 To help it formulate its recommendations to the Licensing Committee, the Group has identified a number of key stakeholders to provide information and evidence. These stakeholders are set out in full in the project plan and include; Cheshire Police, CEC Public Health Team, licence holders and trade representatives. The group has met on the following occasions:

7th March 2014 – Initial meeting to elect the Chairman and Vice-Chairman and to set and agree the project plan.

24th March 2014 – Meeting to discuss information circulated to Members by email; examples of the different types of voluntary schemes and how they work, Business Improvement Districts, Drinking Banning Orders, and information on action taken by other Licensing Authorities.

12th June 2014 – Considered licensing income and expenditure in a meeting with the Finance Portfolio Holder. Members wanted to establish what scope there was to use current income from fees.

21st August 2014 – Members invited Cllr Jos Saunders to provide information on the ways Poynton Town Council had successfully tackled alcohol related anti-social behaviour. Members were keen to identify any examples of good practice that might be extended Borough wide.

22nd September 2014 - Meeting with the Council's Public Health Team and the Cabinet Member for Care and Health in the Community, to discuss the impact of irresponsible drinking on the drinker and the NHS.

22nd December 2014 – Review of progress

14th January 2015 – Meeting with the Managing Partner of Poppleston Allen (leading firm of Licensing Solicitors representing various sectors of the trade).

- 10.5 It is also intended to invite representatives from the Cheshire Constabulary and the North West Regional Chairman of the British Institute of Innkeepers.
- 10.6 The Working Group has not met as frequently as anticipated and the initial deadline for completion has passed. The timing of meetings has been frustrated by co-ordinating the availability of Working Group Members, Officers and proposed attendees. Additionally, the deadline was set with the anticipation that the group would be looking solely at the Late Night Levy. The group's plan and aim have rightly been extended beyond just the discussion of the Levy and consideration should have been given to extending the deadline to allow for the proper scrutiny of all options.
- 10.7 Following the recent local elections, membership of Licensing Committee has changed and there will be a need for the new Chair to reinstate the group and ensure that any outstanding actions are completed and relevant decisions made.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report author:

Name: Miss Kim Evans

Designation: Licensing Team Leader

Tel No: 0300 123 5015

Email: kim.evans@cheshireeast.gov.uk

This page is intentionally left blank

CHESHIRE EAST COUNCIL

Licensing Committee

Date of Meeting:	8 th June 2015
Report of:	Miss Kim Evans – Licensing Team Leader
Subject/Title:	Details of Licensed Vehicles Suspended
Portfolio Holder:	Cllr Les Gilbert – Communities

1.0 Report Summary

- 1.1 This report sets out the licensed vehicles suspended by Licensing Officers for the period 1st January 2015 to 20th May 2015.

2.0 Recommendation

- 2.1 That Members note the content of the report the details in appendix 1.

3.0 Reasons for Recommendations

- 3.1 The Licensing Committee's scheme of delegations provides that Members be informed of the vehicles suspended under powers delegated to Officers.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 None identified

7.0 Financial Implications

- 7.1 None identified

8.0 Legal Implications

- 8.1 The Local Government (Miscellaneous Provisions) Act 1976 provides the Licensing Authority with two ways to suspend licenced vehicles.

- 8.2 Section 60 Local Government (Miscellaneous Provisions) Act 1976 - Suspension and revocation of vehicle licences:

(1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke, or (on application therefore under section 40 of the Act of 1847 or section 48 of this Act, as the case may be) refuse to renew a vehicle licence on any of the following grounds—

- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
- (b) any offence under, or non-compliance with, the provisions of the Act of 1847 or of this Part of this Act by the operator or driver; or
- (c) any other reasonable cause.

(2) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the proprietor of the vehicle notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew the licence within fourteen days of such suspension, revocation or refusal.

(3) Any proprietor aggrieved by a decision of a district council under this section may appeal to a magistrates' court.

8.3 Section 68 Local Government (Miscellaneous Provisions) Act 1976

Fitness of hackney carriages and private hire vehicles:

Any authorised officer of the Council in question or any constable shall have power at all reasonable times to inspect and test, for the purpose of ascertaining fitness, any hackney carriage or private hire vehicle licensed by the County Borough Council or any taximeter affixed to such a vehicle, and if he is not satisfied as to the fitness of the hackney carriage or private hire vehicle or as to the accuracy of the taximeter he may by notice in writing require the proprietor of the hackney carriage or private hire vehicle to make it or its taximeter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or constable is so satisfied.

Provided that, if the authorised officer or constable is not so satisfied before the expiration of a period of two months, the said licence shall, by virtue of this section, be deemed to have been revoked and subsections (2) and (3) of Section 60 of this Act (i.e. Notice of Revocation and Right of Appeal, respectively) shall apply with any necessary modifications.

9.0 Risk Management

9.1 There is an opportunity to appeal against a suspension under section 60 of the Act as soon as the Notice is issued. In respect of a suspension under section 68 a right of appeal does not apply until a notice of revocation is issued.

10.0 Background and Options

10.1 The Council's Scheme of Delegations makes provision for Officers to suspend vehicles in certain circumstances. This would include:

- § Where the vehicle is in breach of a Council condition (eg failed to attend a 6 month test or incorrect signage),
- § A breach of legislation or byelaws (eg not having a meter in a hackney carriage)
- § Accident damage to the vehicle

10.2 The Licensing Team also periodically reports the vehicles suspended to the Licensing Committee.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Name: Miss Kim Evans

Designation: Licensing Team Leader

Tel No: 0300 123 5015

Email: kim.evans@cheshireeast.gov.uk

This page is intentionally left blank

Appendix 1

Licence Number	Type of vehicle	Licence Holder	Date Suspended	Reason
8083	QXA Hackney Carriage Vehicle Licence	Bowlings Taxis Limited	05/01/15	Failed to present for 6 month test
8108	QXA Hackney Carriage Vehicle Licence	Mr Irshad Ali	08/01/15	Accident damage to rear panel
8029	QXA Hackney Carriage Vehicle Licence	Mr Fahad Chaudhary	12/01/15	Accident damage
3222	QXA Hackney Carriage Vehicle Licence	Mr Ayaz Mahmood	20/01/15	Accident damage
8060	QXA Hackney Carriage Vehicle Licence	Mr Hashim Khan Durrani	02/02/15	Accident damage
2405	QXC Priv Hire Vehicle Licence	Mr MD.Enamul Hoque	10/02/15	Left country
2625	QXC Priv Hire Vehicle Licence	Mr MD.Enamul Hoque	10/02/15	Left country
8062	QXA Hackney Carriage Vehicle Licence	Mr Roger Graham Eastwood	11/02/15	Accident damage
2222	QXA Hackney Carriage Vehicle Licence	Mr Paul Bellamy	12/02/15	Accident damage
8172	QXA Hackney Carriage Vehicle Licence	Mr Saeed Akhtar	17/02/15	Accident damage
8192	QXA Hackney Carriage Vehicle Licence	Unitown Hire Ltd	27/02/15	Accident damage
2158	QXA Hackney Carriage Vehicle Licence	Mr John William Kennedy	04/03/15	Failed to present for 6 month test
2057	QXA Hackney Carriage Vehicle Licence	Mr Abdus Samad	04/03/15	Accident damage

2343	QXC Priv Hire Vehicle Licence	Mr Lawrence Melvyn Grace	10/03/15	Presented for test in dangerous condition (abandoned)
2140	QXA Hackney Carriage Vehicle Licence	Mr Steven Tench	12/03/15	Faults identified at 6 month test
3774	QXA Hackney Carriage Vehicle Licence	Mr Muhammad Shafique	12/03/15	Accident damage and not presented for inspection
4255	QXC Priv Hire Vehicle Licence	Miss Louise Mitchell	12/03/15	Failed to present for 6 month test
3812	QXA Hackney Carriage Vehicle Licence	Mr John Hanmer	17/03/15	Accident damage to rear of vehicle
3946	QXA Hackney Carriage Vehicle Licence	Mr Muhammad Zaka Khan	20/03/15	Failed to present for 6 month test
8108	QXA Hackney Carriage Vehicle Licence	Mr Irshad Ali	24/03/15	Accident damage to rear of vehicle
3909	QXA Hackney Carriage Vehicle Licence	Silk Taxis t/as Macclesfield Radio Cabs	01/04/15	Failed to present for 6 month test
3888	QXA Hackney Carriage Vehicle Licence	Mr Naeem Amjad	01/04/15	Failed to present for 6 month test
8089	QXA Hackney Carriage Vehicle Licence	Mr Sohail Rashid	01/04/15	Failed to present for 6 month test
8099	QXA Hackney Carriage Vehicle Licence	Mr Eric Alan Young	01/04/15	Failed to present for 6 month test
8104	QXA Hackney Carriage Vehicle Licence	Mr Saif Mohammed Hussain	01/04/15	Failed to present for 6 month test
3136	QXA Hackney Carriage Vehicle Licence	Mr Brian Marshall Sutton	02/04/15	Failed to present for 6 month test
1025	QXA Hackney Carriage Vehicle Licence	Mr Andrew Paul Charles	07/04/15	Accident damage to rear of vehicle
8112	QXA Hackney Carriage Vehicle Licence	Mr Tsvetko Lukanov	08/04/15	Vehicle disposed of without proper notification

2376	QXA Hackney Carriage Vehicle Licence	Mr Anthony Jackson	08/04/15	Failed to present for 6 month test
1061	QXC Priv Hire Vehicle Licence	Mr Gerard William Heath / Mrs Jacqueline Susan Heath	09/04/15	Vehicle disposed of without proper notification
8151	QXA Hackney Carriage Vehicle Licence	Bowlings Taxis Limited	09/04/15	Failed to present for 6 month test
2204	QXA Hackney Carriage Vehicle Licence	Mr Albert Robert Oakes	09/04/15	Vehicle disposed of without proper notification
4134	QXC Priv Hire Vehicle Licence	Mr Frederick George Carless	14/04/15	Failed to present for 6 month test
3010	QXC Priv Hire Vehicle Licence	Mr John Paul Singleton	15/04/15	Failed to present for 6 month test
2402	QXC Priv Hire Vehicle Licence	Cars R uss Ltd	15/04/15	Failed to present for 6 month test
4230	QXC Priv Hire Vehicle Licence	Cars R Uss Ltd	15/04/15	Failed to present for 6 month test
2597	QXC Priv Hire Vehicle Licence	Mr John Calvert	15/04/15	Failed to present for 6 month test
4164	QXC Priv Hire Vehicle Licence	Ms Deborah Jane Palin	15/04/15	Failed to present for 6 month test
8080	QXA Hackney Carriage Vehicle Licence	Mr Tony Neokli	15/04/15	Accident damage and failed to present for inspection
8128	QXA Hackney Carriage Vehicle Licence	Mr Nasir Habib	16/04/15	Failed to present for inspection
8123	QXA Hackney Carriage Vehicle Licence	Mr Salam Miah	22/04/15	Failed test in dangerous state
8167	QXA Hackney Carriage Vehicle Licence	Arrivals Star Limited	30/04/15	Failed test in dangerous state
1033	QXA Hackney Carriage Vehicle Licence	Mr Damian Paul Sayer	05/05/15	Accident damage

4171	QXC Priv Hire Vehicle Licence	Mr John Paul Singleton	07/05/15	Accident damage to the front of vehicle
------	-------------------------------	------------------------	----------	---

CHESHIRE EAST COUNCIL

Licensing Committee

Date of Meeting:	8 th June 2015
Report of:	Miss Kim Evans – Licensing Team Leader
Subject/Title:	Revised Statement of Gambling Principles
Portfolio Holder:	Cllr Les Gilbert – Localism and Enforcement

1.0 Report Summary

- 1.1 The Gambling Act 2005 requires Local Authorities to prepare and publish a statement of the principles that they propose to apply when exercising their functions under the Act during the three year period to which the statement applies.
- 1.2 The Council is required to review its existing statement of principles and publish the revised version by no later than 31st January 2016. In preparing a revised statement the Council must undertake a consultation exercise with stakeholders.

2.0 Recommendation

- 2.1 That the Licensing Committee considers the content of the revised statement (appendix 1) and make any appropriate changes prior to formal consultation.

3.0 Reasons for Recommendations

- 3.1 The statement of principles under the Gambling Act 2005 forms part of the Council's Policy Framework. Therefore, in accordance with the Budget and Policy Framework Procedure Rules, the responsibility for drawing up the initial proposals rests with the Executive. For this reason, the Licensing Committee is requested to recommend the draft statement to the relevant Cabinet Member so that the required statutory consultation process may commence.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

6.1 The decision within 2.0 seeks approval for a draft policy following consultation having taken place with relevant stakeholders.

7.0 Financial Implications

7.1 None identified

8.0 Legal Implications

8.1 By virtue of section 349 of the Gambling Act 2005 ('the 2005 Act') the Licensing Authority is required to prepare and publish a statement of the principles that it proposes to apply in exercising its functions under the 2005 Act during the three year period to which the policy applies. Statements must usually be revised and published in respect of every period of three years, that being 2016 – 2019.

8.2 The Statement of Principles forms part of the Council's Policy Framework. As such, the final decision to approve a statement of principles or a revision of the statement rests with full Council. In addition, in developing a revised statement of principles, the Authority must comply with its Budget and Policy Framework Procedure Rules (as set out within the Constitution).

8.3 Sub-section 349(3) of the 2005 Act prescribes that in preparing a revision of a statement a licensing authority is required to consult:

- (a) the chief officer of police for the authority's area;
- (b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
- (c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the 2005 Act.

8.4 The drafting of the Statement of Principles must take into account the requirements of The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 ('the 2006 Regulations'). In addition, the Gambling Commission's Guidance to Licensing Authorities ('the Guidance') prescribes that in determining its policy, the Licensing Authority must have regard to the Guidance and give appropriate weight to the views of those it has consulted.

8.5 Regulation 7 of the 2006 Regulations prescribes that before a revised statement comes into effect the authority must advertise the publication of the statement by way of a notice published on the authority's website and in one or more of the following places: (i) a local newspaper circulating in the area covered by the statement; (ii) a local newsletter, circular or similar document circulating in the area covered by the statement; (iii) a public notice board in or near the principal office of the authority; (iv) a public notice board on the premises of public libraries in the area covered by the statement.

- 8.6 Consideration has been given to the application of the 'public sector equality duty' (as per section 149 Equality Act 2010) to the decision requested within paragraph 2.0 above. It is suggested that the decision requested would have a neutral impact in terms of its impact on those individuals with 'protected characteristics.'

9.0 Risk Management

- 9.1 Compliance with the provisions of section 349 of the 2005 Act and the 2006 Regulations, having regard to the provisions of the Guidance, compliance with the Budget & Police Framework Procedure Rules, and giving appropriate weight and consideration to any consultation responses received will mitigate the risk of a successful challenge of the final Statement of Principles.

10.0 Background

- 10.1 As set out above, the Gambling Act 2005 requires licensing authorities to prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act. The current statement of principles was approved in 2013 and took into account the requirements of the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 in terms of its form and content.
- 10.2 The draft statement, a copy of which is attached as Appendix 1, incorporates some minor amendments, changes in legislation or practices (such as specific sections on the splitting of premises and primary gambling activity) and takes into account the request from the Gambling Commission that Licensing Authorities prepare a local area assessment. The Licensing Section has not received any comments about the drafting of the current statement from stakeholders in the period since it came into force. Similarly, the Council has not been challenged on the current Statement.
- 10.3 The Council's current Statement of Gambling Principles is set out at appendix 2 and is provided for the purposes of comparison with the revised statement.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report author:

Name: Miss Kim Evans

Designation: Licensing Team Leader

Tel No: 0300 123 5015

Email: kim.evans@cheshireeast.gov.uk

This page is intentionally left blank



Cheshire East Council

Statement of Gambling Principles

Gambling Act 2005

January 2016 to January 2019

Contents

1	Introduction
2	General Principles
3	Gambling Prevalence and Problem Gambling
4	Cheshire East Area Profile
5	The Gambling Act 2005
6	Responsible Authorities
7	Interested Parties
8	Premises Licences
9	Adult Gaming Centres
10	Betting Premises (other)
11	Betting Tracks including other sporting venues
12	Bingo Premises
13	Casinos
14	(Licensed) Family Entertainment Centres
15	Licence Conditions
16	Primary Gambling Activity
17	Buildings divided into more than one premises
18	Separation of premises within a single building
19	Access to premises
20	Provisional Statements
21	Reviews of Licences
22	Permits
23	(Alcohol) Licensed Premises Gaming Machine Permits
24	Club Gaming and Club Machines Permits
25	Prize Gaming Permits
26	Unlicensed Family Entertainment Centre Gaming Machine Permits
27	Temporary Use Notices
28	Occasional Use Notices
29	Travelling Fairs
30	Small Society Lotteries
31	Exchange of Information
32	Enforcement
33	Scheme of Delegation

34 Definitions of Gambling Activities

35 Glossary of Terms

Appendices

Appendix 1 Cheshire East Area Profile

Appendix 2 Summary of gaming machine categories and entitlements

Appendix 3 Summary of machine provisions by premises

Appendix 4 Summary of gaming entitlements for clubs and alcohol-licensed premises

Appendix 5 Scheme of Delegation

Appendices 1 - 5 are included to provide further information to those interested in these matters. As the information contained within these appendices are subject to change by Central Government, they are not to be considered a part of the Statement of Principles required by section 349 of the Act. They will be subject to reasonable amendment to ensure that they remain accurate and correctly reflect the appropriate entitlements. Any amendment of this nature will not be considered a review of the Statement. As such the requirements for consultation will not apply.

1 Introduction

- 1.1 This Statement of Gambling Principles is published by Cheshire East Council, as the Licensing Authority, in accordance with Section 349 of the Gambling Act 2005. The Act requires the Licensing Authority to prepare and publish a Statement of Principles which sets out the policies that the Licensing Authority will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.
- 1.2 The Licensing Authority has produced this Statement of Principles in accordance with the provisions of the Act and having regard to the provision of the Guidance issued by the Gambling Commission under Section 25 of the Act.
- 1.3 In exercising most of its functions under the Act, the Licensing Authority must have regard to the Licensing Objectives as set out in section 1 of the Act. The Licensing Objectives are:
 - § Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - § Ensuring that gambling is conducted in a fair and open way
 - § Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.4 As required by the Gambling Act 2005, the draft Statement of Principles was subject to formal consultation with:
 - § Cheshire Constabulary
 - § Representatives of those carrying on gambling businesses within the Borough of Cheshire East.
 - § Representatives of those persons likely to be affected by the exercise of the Licensing Authority's functions under the Act

2 General Principles

- 2.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication of existing legislation and other regulatory regimes.
- 2.2 The Licensing Authority recognises that it may only consider matters within the scope of the Guidance issued by the Gambling Commission, the Act and the Codes of Practice. It is also recognised that there may be issues raised, such as the likelihood of the applicant obtaining planning permission, which are not relevant for the purposes of the Act.
- 2.3 Nothing in this Statement will undermine the rights of any person to make an application under the Act and have the application considered on its individual merits; or undermine the right of any person to make representations on any application or seek a review of a licence or permit where provision has been made for them to do so within the Act.

- 2.4 The Licensing Authority recognises that unmet demand is not a criterion for it when considering an application for a premises licence under the Act. Each application will be considered on its merits without regard to demand.
- 2.5 The Licensing Authority also recognises that the location and proximity of premises to be used for gambling to other premises such as, for example, schools and premises used by vulnerable persons, may be a relevant consideration with respect to the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The type of gambling which is to be offered will also be relevant.
- 2.6 Each application will be considered on its merits and the Licensing Authority will take into account any proposals by the applicant or licence holder which show how the licensing objectives may be satisfied.
- 2.7 In carrying out its licensing functions under the Act the Licensing Authority will aim to permit the use of premises for gambling as long as it is considered to be:
- § In accordance with any relevant Codes of Practice issued by the Gambling Commission
 - § In accordance with any relevant Guidance issued by the Gambling Commission in accordance with this Statement of Principles, and
 - § Reasonably consistent with the licensing objectives

3 Gambling Prevalence and Problem Gambling

- 3.1 In 2010 NatCen's British Gambling Prevalence Survey showed that 73% of the population, had participated in some form of gambling in the past year with 56% of the population participating in some form of gambling other than the National Lottery.
- 3.2 The most popular gambling activities are:

Type	% of adult population
National Lottery	59%
National Lottery scratch cards	24%
Betting on horse races	16%
Playing slot machines	13%
Online gambling	5%
Placed bets by internet	4%
Fixed Odds Betting Terminals	4%
Gambled in a casino	4%

- 3.3 Men were more likely to gamble than women (75% compared with 71%). People in higher income households were more likely to gamble; 72% in the highest income households; 61% in the lowest income households. Those with higher levels of education were less likely to gamble; 61% of those with a degree gambled compared with 73% who were educated to GCSE/O level equivalent.

- 3.4 Gambling participation was lowest among the youngest and oldest age groups and highest among those aged 44-64.
- 3.5 Gambling prevalence rates were highest among those who were either married or had been married (75%), respondents who were White/White British (76%), those whose highest educational attainment was GCSEs or equivalent (76%) or had other qualifications (78%), those from lower supervisory/technical households (79%), those in paid work (78%), those with the highest personal income (79% for the 4th income quintile and 76% for the highest income quintile) and those living in the East Midlands (80%).
- 3.6 Two measures of problem gambling showed rates of problem gambling in the general population of 0.9% and 0.5%. A significant association was found between problem gambling and being a young male with parents who gambled. It was also associated with smoking and poor health.
- 3.7 The GamCare Annual Review 2013/2014 shows that there has been a reduction in the number of inbound calls made to their Help Line compared to the 2012/2013 figures (30,648 in 2013/2014 and 32,733 in 2012/2013). Similarly, the number of 'chat hours' offered fell from 699 in 2012/2013 to 499 in 20/13/2014. However, there was a increase in the number of unique visits to their website.
- 3.8 GamCare's Annual Review reiterates that when gambling becomes a problem it can have devastating repercussions on a person's everyday life and functioning. For many clients who come to GamCare for counselling, this may mean the breakdown or near breakdown of their relationships, damage to their physical and psychological health and substantial financial loss and debt. It should be acknowledged that the harm caused by problem gambling extends beyond the problem gambler themselves to include their family and friends.

4 Cheshire East Area Profile

- 4.1 Cheshire East's administrative area contains the industrial town of Crewe, the old mill towns of Macclesfield, Bollington and Congleton, the market towns of Alsager, Nantwich, Knutsford and Sandbach, the salt town of Middlewich, the town of Wilmslow as well as the smaller settlements of Holmes Chapel and Poynton.
- 4.2 A full profile of the Borough is set out at Appendix 1.
- 4.3 As the persons most at risk from problem gambling are white, young males from a low income background this is most likely to affect the residents of Crewe and to a lesser extent Macclesfield. These are also the areas that already have the highest numbers of licensed gambling premises. It will therefore be incumbent upon applicants to demonstrate that they will take appropriate steps to follow the Gambling Commission's relevant Codes of

Conduct and the Council's Statement of Gambling Principles to ensure that none is exploited or harmed by gambling.

5 The Gambling Act 2005

5.1 Gambling is defined in the Act as either gaming, betting, or taking part in a lottery.

- § Gaming means playing a game of chance for a prize
- § Betting means making or accepting a bet on the outcome of a race, competition, or any other event ; the likelihood of anything occurring or not occurring; or whether anything is true or not
- § A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance

5.2 The Act provides for three categories of licence:

- § Operating licences
- § Personal licences
- § Premises licences

5.3 In accordance with the Act, the Gambling Commission has responsibility for issuing operating and personal licenses and the Licensing Authority is responsible for issuing premises licenses.

5.4 The main functions of the Licensing Authority, and the functions subject to this Statement, are:

- § Licence premises for gambling activities
- § Grant permits for gambling and gaming machines in clubs
- § Regulate gaming and gaming machines in alcohol licensed premises
- § Grant permits to family entertainment centres for the use of certain lower stake gaming machines
- § Grant permits for prize gaming
- § Consider notices given for the temporary use of premises for gaming
- § Consider occasional use notices for betting at tracks
- § Register small societies lotteries

5.5 It should be noted that:

- § Spread betting is regulated by The Financial Services Authority
- § Remote (on-line) gambling is dealt with by the Gambling Commission
- § The National Lottery is regulated by The National Lottery Commission (which merged with the Gambling Commission in October 2013)

5.6 This Statement of Principles relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:

- § Casinos
- § Bingo Premises
- § Betting Premises
- § Tracks
- § Adult Gaming Centres
- § Family Entertainment Centres
- § Club Gaming and Club Machine Permits
- § Prize Gaming and Prize Gaming Permits
- § Temporary and Occasional Use Notices
- § Registration of small society lotteries

5.7 The Categories of Gaming Machine Regulations 2007 (as amended) define four classes of gaming machine, categories A, B, C and D, with category B divided into a further 5 sub-categories. A full list of the categories of Gaming Machine, together with the current maximum stakes and prizes, is set out in Appendix 2.

5.8 A breakdown of automatic entitlements in gambling premises is set out appendix 3 and a break down of automatic entitlements in alcohol licensed premises is set out at appendix 4.

6 Responsible Authorities

6.1 A Responsible Authority may make representations about an application for a premises licence or may request a review of a premises licence. For the purposes of sections 157 and 349 of the Gambling Act 2005, the following are responsible authorities in relation to premises in Cheshire East:

- § The licensing authority in whose area the premises are wholly or mainly situated
- § The Gambling Commission
- § Cheshire Constabulary as the police authority
- § Cheshire Fire & Rescue Service as the fire and rescue authority
- § The Planning Authority (Cheshire East Council)
- § Environmental Health Service (Cheshire East Council)
- § A body designated in writing by the licensing authority to advise about the protection of children from harm
- § Her Majesty's Revenue and Customs
- § Any other person prescribed, for the purposes of Section 157 of the Act, by regulations made by the Secretary of State.

6.2 The Licensing Authority will apply the following principles when designating, in writing, a body which is competent to advise the authority about the protection of children from harm:

- § the need for the body to be responsible for an area covering the whole of the licensing authority's area
- § the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc

- 6.3 Therefore the Licensing Authority will continue to designate the Cheshire East Local Safeguarding Children Board for the purpose of advising it on the protection of children from harm.
- 6.4 Section 211(4) of the Act provides that in relation to a vessel, but to no other premises, responsible authorities should also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities. These would include:
- § The Environment Agency
 - § The British Waterways Board
 - § The Secretary of State acting through the Maritime and Coastguard Agency
- 6.5 The contact details of all the Responsible Bodies under the Gambling Act 2005 will be available on the Licensing Authorities website.

7 Interested Parties

- 7.1 In addition to Responsible Authorities, 'Interested parties' can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in Section 158 of the Gambling Act 2005 as follows:
- § Lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
 - § Has business interests that might be affected by the authorised activities, or
 - § Represents persons in either of the two groups above
- 7.2 In determining whether someone lives sufficiently close to a particular premises so as to be affected the Licensing Authority will take into account, among other things:
- § The size of the premises
 - § The nature of the premises
 - § The distance of the premises from the person making the representation
 - § The nature of the complainant
 - § The potential impact of the premises
- 7.3 In determining whether a person has a business interest which could be affected the Licensing Authority will consider, among other things:
- § The size of the premises
 - § The catchment area of the premises, and
 - § Whether the person making the representation has business interests in the catchment area that might be affected

- 7.4 Business interests will be given a wide interpretation and could include for example partnerships, faith groups and medical practices.
- 7.5 Representations made on the grounds that an applicant would be in competition with an existing business or that there is allegedly no demand for additional gambling premises will not be considered to be relevant.
- 7.6 Trade associations, trade unions, residents' and tenants' associations will not, however, generally be viewed as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the authorised activities.
- 7.7 Representatives of interested parties may include MPs, Ward Councillors and Parish Councillors. Residents' and tenants' associations, trade unions and trade associations may also represent interested parties if they have members living sufficiently close to the premises. Except in the case of Councillors or MPs representing the ward or wards likely to be affected, when written evidence will be required that a person or body represents an interested party.
- 7.8 If individuals approach Ward Councillors or Parish Councillors, care should be taken that the Councillor is not a member of the Licensing Committee or Licensing Act Sub-Committee, which will deal with the application, nor has a prejudicial interest which would prevent them from addressing the Committee or Sub-Committee. If there is any doubt, advice should be sought from the Legal Team or Licensing Team.
- 7.9 Details of those persons making representations will be made available to applicants and, in the event of a hearing being held, will form part of a public document (including publication on the Council's website).

8 Premises Licences

- 8.1 Premises can be 'any place' but the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being different 'premises'.
- 8.2 There are particular requirements for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to 'drift' accidentally into a gambling area. The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 set out the access provisions for each type of premises.
- 8.3 A licence to use premises for gambling will normally be issued only in relation to premises that are ready to be used for gambling. Where premises have not yet been constructed, an applicant may apply for a provisional statement – See Section 20.

- 8.4 An application for a premises licence may only be made by persons who have a right to occupy the premises.
- 8.5 Except in the case of a betting track premises licence, an application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not yet been determined.
- 8.6 When considering applications for premises licences the licensing authority cannot take into consideration the expected 'demand' for facilities. It should also be noted that moral objections to gambling are not a valid reason to reject applications.
- 8.7 Applications for the grant, transfer or variation of a Premises Licence should be accompanied by an assessment that demonstrates how the applicant will promote all the Licensing Objectives.
- 8.8 Premises licences granted must be reasonably consistent with the licensing objectives as follows:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- 8.9 The Gambling Commission will be taking a leading role in preventing gambling from being a source of crime.
- 8.10 The Gambling Commission will deal with Operating Licences and Personal Licences so the Licensing Authority will not be concerned about the suitability of an applicant. If concerns arise about a person's suitability, the Licensing Authority will bring those concerns to the attention of the Commission.
- 8.11 The Licensing Authority will take into consideration the proposed location of gambling premises in terms of this Licensing Objective. Where an area has known high levels of organised crime, the Licensing Authority will consider carefully whether gambling premises are suitable to be located there.
- 8.12 Where appropriate, conditions may be attached to a premises licence requiring the provision of door supervisors. For example, if the premises cannot be adequately supervised from the counter, door supervision may be necessary.
- 8.13 There is a distinction between disorder and nuisance. The Licensing Authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see or hear it in determining that distinction. It should be noted that issues of nuisance cannot be addressed under the Act.

Ensuring that gambling is conducted in a fair and open way

- 8.14 The Gambling Commission does not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the Operating and Personal Licensing regime.
- 8.15 Because betting track operators do not need an operating licence from the Commission the Licensing Authority may, in certain circumstances, require conditions to ensure that the environment in which betting takes place is suitable.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 8.16 Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.
- 8.17 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling. There may also be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 8.18 The Licensing Authority will not normally grant a premises licence for premises which are located close to schools.
- 8.19 When considering whether to grant a premises licence or permit the Licensing Authority will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.
- 8.20 The Act does not define the term 'vulnerable persons' but the Licensing Authority considers that this will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a learning disability, the state of their mental health or the effects of alcohol or drugs.
- 8.21 Licence Holders will be expected to make information publicly available about organisations that can provide advice and support, both in relation to gambling itself and to debt e.g. GamCare, Gamblers Anonymous, Gordon House Association, National Debtline, local Citizens Advice Bureau and relevant independent advice agencies.
- 8.22 The Licensing Authority is aware of the general concern surrounding betting machines that permit high volumes of betting activity by individuals, for example Fixed Odds Betting Terminals (FOBTs). Applicants should consider

where such betting machines are located and monitor use to ensure excessive gambling does not take place. The Licensing Authority is also aware that Central Government is taking steps to change the category of use of betting shops under planning legislation.

9 Adult Gaming Centres

9.1 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the Licensing Objectives, for example, to ensure that under 18 year olds do not have access to the premises.

9.2 Appropriate licence conditions may cover issues such as:

- § Proof of age schemes
- § CCTV Supervision of entrances / machine areas
- § Physical separation of areas
- § Location of entry
- § Notices / signage
- § Specific opening hours
- § Self-barring schemes
- § Provision of posters and/or information leaflets and helpline numbers/website addresses for organisations such as GamCare, Gamblers Anonymous, Gordon House Association, National Debtline and local Citizens Advice Bureau and other relevant independent advice agencies.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10 Betting Premises (other)

10.1 The Licensing Authority must be satisfied that the primary use of the premises is to operate as a betting premises in accordance with the principles outlined in paragraph 16 of this Statement. The applicant will be expected to demonstrate that they can offer sufficient facilities for betting and, unless it does so, should not be making gaming machines available on the premises.

10.2 The Licensing Authority will take the following into account when considering the number, nature and circumstances of betting machines an operator wants to offer:

- § the size of the premises
- § the number of counter positions available for person-to-person transactions
- § the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people

11 Betting Tracks including other sporting venues

- 11.1 Tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track.
- 11.2 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas and do not have access to adult only gaming facilities.
- 11.3 It should be noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 11.4 Appropriate licence conditions may cover issues such as:
- § Proof of age schemes
 - § CCTV
 - § Supervision of entrances / machine areas
 - § Physical separation of areas
 - § Location of entry
 - § Notices / signage
 - § Specific opening hours
 - § Self-barring schemes
 - § Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 11.6 Where the applicant holds a Pool Betting Operating Licence and is going to use the entitlement to four gaming machines, if these machines are above category D, the applicant must demonstrate that they will be located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 11.7 The Licensing Authority will consider restricting the number and location of betting machines in respect of applications for track premises licences.
- 11.8 When considering the number, nature and circumstances of betting machines an operator wants to offer, the Licensing Authority will take into account:
- § the size of the premises
 - § the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people
- 11.9 The Licensing Authority will normally attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to

ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

12 Bingo Premises

12.1 It is important that, if children are allowed to enter premises licensed for bingo, they do not participate in gambling, other than on category D machines.

12.2 Where category C or above machines are available in premises to which children are admitted the Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to ensure that:

- ⊗ all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
- ⊗ only adults are admitted to the area where the machines are located
- ⊗ access to the area where the machines are located is supervised
- ⊗ the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder
- ⊗ at the entrance to, and inside any such area, there are prominently displayed notices indicating that access to the area is prohibited to persons under 18

12.3 The Licensing Authority will take account of any guidance issued by the Gambling Commission about the particular issues which should be taken into account in relation to the suitability and layout of bingo premises and appropriate conditions will be attached to the premises licence.

13 Casinos

13.1 This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, this Statement of Principles will be updated. Any such decision must be made by the full Council.

13.2 This Licensing Authority is not currently able to issue premises licences for casinos. Should the Government propose that more casinos can be licensed in the future, the Licensing Authority will review its position and this Statement of Principles will be updated.

14 (Licensed) Family Entertainment Centres

14.1 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the Licensing Objectives, for example, to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

14.2 Appropriate licence conditions may cover issues such as:

- § CCTV
- § Supervision of entrances / machine areas
- § Physical separation of areas
- § Location of entry
- § Notices / signage
- § Specific opening hours
- § Self-barring schemes
- § Provision of information leaflets / helpline numbers for organisations such as GamCare, Gamblers Anonymous, the Gordon House Association, National Debtline and local Citizens Advice Bureau.
- § Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

15 Licence Conditions

- 15.1 There are three types of conditions that can be attached to premises licences:
- § Mandatory – Conditions prescribed in regulations made by the Secretary of State which must be attached
 - § Default – Conditions prescribed in regulations made by the Secretary of State which will be attached unless specifically excluded by the Licensing Authority
 - § Conditions attached by the Licensing Authority
- 15.2 Any conditions imposed by the Licensing Authority will be appropriate, proportionate and will be:
- § relevant to the need to make the proposed building suitable as a gambling facility
 - § directly related to the premises and the type of licence applied for
 - § fairly and reasonably related to the scale and type of premises
 - § reasonable in all other respects
- 15.3 Applicants are encouraged to offer their own suggested conditions to demonstrate how the Licensing Objectives can be met.
- 15.4 There are conditions which the Licensing Authority cannot attach to premises licences which are:
- § any condition which makes it impossible to comply with an operating licence condition
 - § conditions relating to gaming machine categories, numbers, or method of operation
 - § conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs)

§ conditions in relation to stakes, fees, winnings or prizes

15.5 Where a condition is attached to a premises licence requiring door supervisors, the Licensing Authority will normally require those door supervisors to be Security Industry Authority (SIA) registered.

15.6 Door supervisors employed in house at casinos or bingo premises are exempt from being registered by the SIA but the Licensing Authority considers that it is best practice for door supervisors working at casinos or bingo premises to have SIA training or similar. The Licensing Authority will also expect door supervisors employed at casinos or bingo premises to have a clear Disclosure and Barring check over the previous three years prior to their employment at the casino or bingo premises.

16 Primary Gambling Activity

16.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Gambling Act 2005 authorises the provision of gambling facilities for the following types of premises licences:

§ Casino premises

§ Bingo premises

§ Betting premises, including tracks and premises used by betting intermediaries

§ Adult gaming centre premises (for category C and D machines)

§ Family entertainment centre premises (for category C and D machines) (note that, separate to this category, the Licensing Authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).

16.2 In betting premises the primary activity will be betting, with gaming machines as an ancillary offer on the premises. The Commission have provided information relating to the primary gambling activity. This guidance sets out the requirements on the operator to ensure that their premises operate within the terms of the Act and the relevant conditions. It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.

16.3 The Licensing Authority will take decisions in accordance with the Commission's guidance and codes of practice on primary gambling activity, and will have regard to the advice which it issues from time to time, and will expect applicants to operate premises in line with the Commission's Guidance and conditions on their operator licence. The Licensing Authority will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed. For example a betting (other) premises licence application that only has 4 gaming machines but no betting counter or associated betting facilities shown on the proposed

plans, will not be considered as offering the primary gambling activity in accordance with that indicated on the application.

17 Buildings divided into more than one premises

- 17.1 The Guidance states that a building can, in principle, be divided into more than one premises, and subject to more than one premises licence provided they are for different parts of the building, and the different parts of the building can be reasonably regarded as being different premises. An example is given of the units within a shopping mall, where each unit is a separate self-contained premises that is contained within one building. It is also possible for licensed premises to be located next to each other. The Licensing Authority will follow this guidance.
- 17.2 Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing Authority will need to be satisfied that the different premises are genuinely separate premises, and not an artificially created part of what is readily identifiable as a single premises.
- 17.3 In considering whether different areas of a building are genuinely separate premises the Licensing Authority will take into account factors which will include:
- § whether there are separate registrations for business rates in place for the premises
 - § whether the premises are owned or operated by the same person
 - § whether the premises are operated independently of each other

18 Separation of premises within a single building

- 18.1 When considering proposals to divide a building into genuinely separate premises the Licensing Authority will also need to be satisfied that the form of separation between the premises is appropriate.
- 18.2 The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another. The Licensing Authority would not, for example, be likely to consider that separation of areas of a building by ropes, or by low level, or moveable partitions to be appropriate.
- 18.3 It may be acceptable for staff working in adjacent premises to have access through barriers between premises to enable them access one premises from the other. The applicant must demonstrate that in providing this staff access there are suitable control measures in place that will ensure the safety and security of staff and that will effectively prevent the public from using the same access point to enter the other premises.

19 Access to premises

- 19.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.
- 19.2 The requirement and restrictions relating to access are set out in paragraph 7.26 of the Commission's Guidance. In certain circumstances customers are restricted from accessing different types of gambling premises directly from other licensed premises.
- 19.3 The Guidance at paragraph 7.25 states 'There is no definition of "direct access" in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.'
- 19.4 It is the Licensing Authority's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
- 19.5 The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs.
- 19.6 Where the Licensing Authority is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the Licensing Authority will expect applicants to ensure that:
- § Premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part
 - § Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit
 - § Customers should be able to participate in the activity named on the premises licence

This is not an exhaustive list and the Licensing Authority will consider other aspects based on the merits of the application.

20 Provisional Statements

- 20.1 An applicant may apply for a provisional statement in respect of premises expected to be constructed, altered or acquired.
- 20.2 Applications for provisional statements will be dealt with in a similar manner to applications for a premises licence.
- 20.3 Where a provisional statement is granted and an application subsequently made for a premises licence, the Licensing Authority will disregard any representations made which address matters that could have been addressed when the provisional statement was considered unless there has been a change of circumstances.
- 20.4 A premises licence will be granted in the same terms as the provisional statement unless
- § representations are received which address matters that could not have been addressed when the provisional statement was considered
 - § there has been a change of circumstances
 - § the premises have been constructed or altered otherwise than in accordance with the plans and information included with the application for the provisional statement

21 Reviews of Licences

- 21.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, including the Licensing Authority. However, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- § any relevant code of practice issued by the Gambling Commission
 - § any relevant guidance issued by the Gambling Commission
 - § the Licensing Objectives
 - § the Licensing Authority's Statement of Principles
- 21.2 The Licensing Authority may reject an application for review if it thinks that the grounds on which the review is sought:
- § are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the Licensing Objectives or the Licensing Authority's Statement of Principles
 - § are frivolous
 - § are vexatious
 - § 'will certainly not' cause the Licensing Authority to revoke or suspend the licence or to remove, amend or attach conditions on the premises licence

- § are substantially the same as grounds cited in a previous application relating to the same premises (the Licensing Authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application)
- § are substantially the same as representations made at the time the application for the premises licence was considered. While the licensing authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the premises licence

21.3 General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.

21.4 The Licensing Authority itself, as a responsible authority can initiate a review of a particular premises licence, or any particular class of premises licence, for any reason which it thinks is appropriate. This includes reviewing a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them, or to ensure that the principle of primary use is applied.

21.5 The Licensing Authority may review any matter connected with the use made of a particular premises if it has reason to believe that the premises licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.

21.6 A responsible authority or interested party may apply to the Licensing Authority to review a premises licence. Such reviews can be made in relation to, amongst other things:

- § if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address
- § where incidents that have adversely affected one or more Licensing Objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been heeded
- § if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder

21.7 As a review of a premises licence can lead to its revocation the Licensing Authority will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The Licensing Authority accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

22 Permits

- 22.1 Permits regulate gambling and the use of gaming machines in a premises which does not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.
- 22.2 The Licensing Authority is responsible for issuing the following permits:
- § alcohol licensed premises gaming machine permits
 - § club gaming permits and club machine permit
 - § prize gaming permits
 - § unlicensed family entertainment centre gaming machine permits
- 22.3 The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore, the Licensing Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

23 (Alcohol) Licensed Premises Gaming Machine Permits

- 23.1 Premises licensed to sell alcohol are automatically entitled to have 2 gaming machines of categories C or D provided that:
- § the requisite notice has been served on the Licensing Authority
 - § the appropriate fee has been paid
 - § any code of practice relating to the location and operation of gaming machines is complied with
- 23.2 The Licensing Authority can remove the automatic authorisation if:
- § provision of the machines is not reasonably consistent with the pursuit of the Licensing Objectives
 - § gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with)
 - § the premises are mainly used for gaming
 - § an offence under the Gambling Act has been committed on the premises
- 23.3 If a licensed premises wishes to have more than 2 machines, then a permit is required.
- 23.4 The Licensing Authority must take account of the Licensing Objectives and any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005 when considering an application for a permit. The Licensing Authority may also consider such matters as it thinks are relevant. Such matters will be decided on a case by case basis but generally there will

be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling.

- 23.5 The Licensing Authority will expect the applicant to demonstrate that there will be sufficient measures to ensure that children and young people do not have access to the adult only gaming machines. Such measures may include notices and signage, adult machines being in sight of the bar or in sight of staff that will monitor that the machines are not being used by those under 18. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare, Gamblers Anonymous, the Gordon House Association, National Debtline, local Citizens Advice Bureau, and any other relevant and independent advice agencies.
- 23.6 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.
- 23.7 The Licensing Authority may decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for. No other conditions can be attached to the permit.
- 23.8 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.

24 Club Gaming and Club Machines Permits

- 24.1 Members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming, and games of chance as set out in regulations. A club machine permit will enable the premises to provide gaming machines (three machines of categories B4, C or D).
- 24.2 A club must meet the following criteria to be considered a members' club:
- § It must have at least 25 members
 - § It must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations)
 - § It must be permanent in nature
 - § It must not be established to make a commercial profit
 - § It must be controlled by its members equally

Examples of these include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

- 24.3 The Licensing Authority may only refuse an application on the grounds that:

- § the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied
- § the applicant's premises are used wholly or mainly by children and/or young persons
- § an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities
- § a permit held by the applicant has been cancelled in the previous ten years
- § an objection has been lodged by the Gambling Commission or the Police

24.4 There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which a Licensing Authority can refuse a permit are reduced. The grounds on which an application under this process may be refused are:

- § that the club is established primarily for gaming, other than gaming prescribed under schedule 12
- § that in addition to the prescribed gaming, the applicant provides facilities for other gaming
- § that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled

24.5 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

25 Prize Gaming Permits

25.1 Gaming is prize gaming if the prize is not affected by the number of people playing or the amount paid for or raised by the gaming. Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

25.2 In exercising its functions in respect of prize gaming permits, the Licensing Authority need not, but may, have regard to the Licensing Objectives and must have regard to any guidance issued by the Gambling Commission.

25.3 It should be noted that there are conditions in the Act with which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

- § the limits on participation fees, as set out in regulations, must be complied with
- § all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day

- § the game must be played and completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played
- § the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize)
- § participation in the gaming must not entitle the player to take part in any other gambling

25.4 The Licensing Authority cannot attach any other conditions to this type of permit.

25.5 During the application process, the applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:

- § an understanding of the limits to stakes and prizes set out in regulations
- § That the gaming offered is within the law
- § Clear policies that outline the steps to be taken to protect children from harm

25.6 The Licensing Authority will only grant a permit after consultation with the Chief Officer of Police. This will enable the Licensing Authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.

25.7 Given that the prize gaming will particularly appeal to children and young persons, the licensing authority will give weight to child protection issues.

26 Unlicensed Family Entertainment Centre (uFEC) Gaming Machine Permits

26.1 Where Category D gaming machines are to be provided at premises which do not have a premises licence but will be wholly or mainly used for making Category D gaming machines available for use, an application may be made for a permit.

26.2 A uFEC can form a part of larger premises provided it is separate and identifiable.

26.3 In exercising its functions in respect of uFEC permits, the Licensing Authority need not, but may have regard to the licensing objectives and must have regard to any guidance issued by the Gambling Commission.

26.4 The Licensing Authority cannot attach conditions to this type of permit but will consider the following matters in determining the suitability of an applicant for a permit.

26.5 Applicants will be expected to show that there are policies and procedures in place to protect children from harm. These may include appropriate measures and training for staff in dealing with:

- § Suspected truant school children on the premises
- § Unsupervised young children on the premises
- § Children causing problems on or around the premises

26.6 Applicants will be expected to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs and that staff are trained to have a full understanding of the maximum stakes and prizes.

26.7 Applicants will be required to demonstrate that they have no relevant convictions as set out in Schedule 7 of the Act.

26.8 The Licensing Authority will not normally grant a uFEC permit for premises that are located close to schools.

27 Temporary Use Notices

27.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for gambling would include hotels, conference centres and sporting venues.

27.2 The Licensing Authority can only grant a Temporary Use Notice to a person or a company holding a relevant operating licence.

27.3 Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.

27.4 The Licensing Authority will object to temporary use notices where it appears that they are being used to permit regular gambling in a set of premises.

27.5 A set of premises may not be the subject of temporary use notices for more than 21 days within a 12 month period.

27.6 In determining whether a place falls within the definition of a 'set of premises' the Licensing Authority will take into consideration ownership/occupation and control of the premises. For example, a large exhibition centre will normally be regarded as one set of premises and will not be allowed separate temporary use notices for each of its exhibition halls. Individual units in a shopping centre may be regarded as different sets of premises if they are occupied and controlled by different people.

28 Occasional Use Notices

- 28.1 The Licensing Authority has little discretion but to accept occasional use notice at 'tracks'. However the Licensing Authority must ensure that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will, however, consider the definition of a 'track'. The applicant will also need to demonstrate that they are responsible for the administration of the 'track' or is an occupier, and therefore permitted to make use of the notice. It should be noted that the definition of track in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other venues in Cheshire East. If notices are given for a single track which would permit betting to occur for more than 8 days per year the Licensing Authority has an obligation to issue a counter notice preventing such a breach occurring.
- 28.2 Where betting takes place on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.
- 28.3 A track includes a horse racing course, a dog track or any other premises on any part of which a race or other sporting event takes place or is intended to take place. This could include, for example, agricultural land upon which a point-to-point meeting takes place. The track need not be a permanent fixture. Those giving occasional use notices will be expected to demonstrate that the premises fall within the definition of a track.

29 Travelling Fairs

- 29.1 The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.
- 29.2 It will fall to the Licensing Authority to decide whether, where category D machines and/ or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 29.3 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. The Licensing Authority notes the 27 day statutory maximum for the land being used as a fair each calendar year applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will monitor any travelling fairs that take place in Cheshire East that offer gambling as an ancillary use to the fair through liaison with the Event Safety Advisory Group. The Licensing Authority will ensure that the 27 day statutory maximum for the land being used is not breached. The Licensing Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.

30 Small Society Lotteries

30.1 The Licensing Authority is responsible for the registration of small society lotteries.

30.2 A society is a non-commercial organisation established and conducted:

- § for charitable purposes
- § for the purpose of enabling participation in, or of supporting sport, athletics or a cultural activity
- § for any other non-commercial purpose other than that of private gain and the proceeds of any lottery must be devoted to those purposes

30.3 The total value of tickets to be put on sale per single lottery must be £20,000 or less or the aggregate value of tickets to be put on sale for all lotteries in a calendar year must not exceed £250,000. If either of these values is exceeded, the society will need to be licensed by the Gambling Commission to operate large lotteries.

30.4 Applications for registration must be made in accordance with the Small Society Lotteries (Registration of Non-Commercial Societies) Regulations 2007.

30.5 An application may be refused on the following grounds:

- § An operating licence held by the applicant for registration has been revoked or an application for an operating licence by the applicant for registration has been refused within the past 5 years
- § The applicant is not a non-commercial society
- § A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence
- § Information provided in or with the application for registration is found to be false or misleading

30.6 Registrations run for an unlimited period, unless the registration is cancelled or revoked.

30.7 The limits placed on small society lotteries are as follows:

- § At least 20% of the lottery proceeds must be applied to the purposes of the society
- § No single prize may be worth more than £25,000
- § Rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society and the maximum single prize is £25,000
- § Every ticket in the lottery must cost the same and the society must take payment for the ticket before entry into the draw is allowed

30.8 No later than three months after each lottery draw, returns must be sent to the Licensing Authority containing the following information:

- § The arrangements for the lottery
- § The total proceeds of the lottery
- § The amounts deducted for prizes
- § The amounts deducted for expenses
- § The amount applied to the purposes of the society
- § Whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds and, if so, the amount of such expenses and the sources from which they were paid

31 Exchange of Information

31.1 The Licensing Authority will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission; this includes a provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

32 Enforcement

32.1 The Licensing Authority will operate within the principles of natural justice and take into account the Human Rights Act 1998. It will have regard to Commission Guidance and will endeavour to avoid unnecessary duplication with other regulatory regimes as far as possible and to be:

- § Proportionate: only intervening when necessary and remedies will be appropriate to the risk posed, and costs identified and minimised
- § Accountable: able to justify its decisions, and be subject to public scrutiny
- § Consistent: implementing rules and standards fairly in a joined-up way
- § Transparent: open, and keep conditions placed on premises licences simple and user friendly
- § Targeted: focusing on the problems, and aiming to minimise the side effects

32.2 The main enforcement and compliance role for the Licensing Authority is to ensure compliance with the premises licences and other permissions which it grants itself. The Gambling Commission will be the enforcement body for operating licences and personal licences. Similarly, concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority, but the Licensing Authority will be alert to the way premises are operated and will notify the Gambling Commission if it becomes aware of matters of concern in the operation of the premises.

32.3 The Licensing Authority will comply with its own enforcement policies which will be available on request.

33 Scheme of Delegation

- 33.1 The Licensing Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.
- 33.2 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Licensing Authority Officers. The table shown at Appendix 5 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committee and Officers. This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

34 Definitions of Gambling Activities

Adult Gaming Centres

Adult gaming centres (AGCs) are a category of gambling premises contained within the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. The holder of an adult gaming centre premises licence may make available for use up to four category B3 or B4 machines, any number of category C or D machines.

Amusement arcades

These are not referred to as such in the Act. See Adult Gaming Centres and licensed and unlicensed family entertainment centres.

Betting

Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true.

Bingo

Bingo has no statutory definition in the Act. It has its ordinary and natural meaning. The distinction between cash bingo, where cash prizes are derived from the stakes, and prize bingo, where prizes were not directly related to the stakes paid, under the previous legislation has been removed for commercial operators, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms. So too will alcohol-licensed premises, club and miners' welfare institutes (up to a total weekly prize value of less than £2,000).

Prize bingo is traditionally played in arcades, or travelling funfairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs, and any premises with a prize gaming permit will be able to offer prize gaming, which includes prize bingo. There will be Government Regulations issued setting the prize limits.

Casino

'An arrangement' whereby people can participate in one or more casino games.

Casino Games

Games of chance not being equal chance gaming ie games in which players stake against a 'bank'.

Equal chance gaming

This is a game where the chances of winning are equally favourable to all participants, and which does not involve playing or staking against a "bank". It is immaterial how the 'bank' is described and whether or not it is controlled by a player.

Exempt activities

Private betting is betting which takes place between inhabitants of the same premises or between employees of the same employer.

Private gaming (which is gaming that takes place in private dwellings and on domestic occasions) is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access.

Non commercial Gambling is when no part of the proceeds/profits will be for private gain. The proceeds/profits are the sums raised by the organisers, for example, by way of fees for entrance or participation, or by way of stakes, minus an amount deducted by the organiser in respect of costs reasonably incurred in organising the event including the provision of a prize. The following conditions would also have to apply:

- § The profits will be for a purpose other than that for private gain;
- § The players are informed that the purpose of the gaming is to raise money for a specified purpose other than that of private gain;
- § The event must NOT take place in premises which either have a premises licence or on premises relying on a temporary use notice under the new act;
- § The gaming must not be remote.

Any Regulations made by the Secretary of State will need to be complied with and will include for example regulations limiting the amounts staked and limiting participation fees. If the profits from the activity used for a purpose other than that which was specified, an offence would be committed.

Gambling

Gambling is defined as either gaming, betting or participating in a lottery.

Games of chance

Includes games that involve elements of both chance and skill. This includes games in which skill can eliminate an element of chance and includes games that are presented as involving an element of chance. It does not include a sport. Playing a game of chance need not involve other participants.

Gaming

Gaming means playing a game of chance for a prize

Gaming machines – Categories

The table at appendix 2 sets out the different categories with the maximum stakes and prizes that apply.

Gaming Machines by Premises Type

The table at appendix 3 sets out the different automatic entitlements at each type of premises.

Fixed Odds Betting Terminals

Fixed odds betting terminals (FOBTs) are electronic machines, sited in betting shops, which contain a variety of games, including roulette. Each machine accepts bets for amounts up to a pre-set maximum and pays out according to fixed odds on the simulated outcomes of games.

The Act classifies FOBTs as B2 gaming machines. Up to four machines can be sited on betting premises. The maximum stake on a single bet is £100, the maximum prize is £500.

Licensed Family Entertainment Centres

These premises require operating licences from the Gambling Commission. They will be able to offer gaming machines in categories C and D. Gaming machines are a form of gambling which is attractive to children and Licensed Family Entertainment Centres may contain machines of the Category D machines on which they are allowed to play as well as category C which they are not permitted to play on.

Lottery

A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

Operating Licence

The Act requires that individuals or companies who intend to provide facilities for certain types of gambling must obtain an operating licence from the Gambling Commission. In general, these licences cover the principal commercial forms of gambling operation. Operating licences may be issued for the following forms of gambling:

- § A casino operating licence
- § A bingo operating licence
- § A general betting operating licence
- § A pool betting operating licence
- § A betting intermediary operating licence
- § A gaming machine general operating licence (for an adult gaming centre)
- § A gaming machine general operating licence (for a family entertainment centre)
- § A gaming machine technical operating licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine)
- § A gambling software operating licence (to manufacture, supply, install or adapt gambling software)

§ A lottery operating licence

Premises Licence

A premises licence issued by a Licensing Authority authorises the provision of facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres.

Track

A horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

Unlicensed Family Entertainment Centres

These premises can provide category D machines providing prizes of up to £5 cash or £8 in goods. Stakes are limited to 10p (or 30p for a goods prize). They can also offer prize bingo.

35 Glossary of Terms

Act:	The Gambling Act 2005
Adult:	Means an individual who is not a child or young person
Applications:	Applications for licences and permits as defined separately in this Policy and the Guidance.
Borough:	The area of Cheshire administered by Cheshire East Borough Council
Child and Young Person:	The Act includes the definition of a child at S.45 as: Meaning of “child” and “young person” (1) In this Act “child” means an individual who is less than 16 years old (2) In the Act “young person” means an individual who is not a child but who is less than 18 years old.
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Council:	Cheshire East Council
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Cheshire East Council
GamCare:	GamCare is a leading provider of information, advice, support and free counselling for the prevention and treatment of problem gambling. GamCare is a national charity and was founded in 1997.
Guidance:	The Gambling Commission under section 25 of the Act are required to issue guidance on the manner in which local authorities are to

exercise their functions under the Act, in particular, the principles to be applied by local authorities in exercising their functions under the Act.

Interested Party:	Interested parties are defined under section 158 of the Act. To accept a representation from an interested party, the council must take the view that the person: (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities, (b) has business interests that might be affected by the authorised activities (c) represents persons in either of these groups. Interested parties can also be a councillor or an MP
Licensing Authority:	Cheshire East Council
Licensing Objectives:	The Act contains three licensing objectives which underpin the functions that the licensing authorities will perform 1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime 2. Ensuring that gambling is conducted in a fair and open way 3. Protecting children and other vulnerable persons from being harmed or exploited by gambling
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence
NatCen:	National Centre for Social Research. Conducted the British Gambling Prevalence Surveys of 1999, 2007 and 2010 on behalf of the Gambling Commission
Notifications:	Means notification of temporary or occasional use notices
Premises:	Any place, including a vehicle, vessel or moveable structure
Regulations:	Regulations made under the Gambling Act 2005
Representations:	In dealing with applications the Council is obliged to consider representations from two categories of person, referred to in the Act as interested parties and responsible authorities.
Responsible Authority:	Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the Licensing Authority in relation to applications for, and in relation to, premises licences. All representations made by responsible authorities are likely to be relevant representations if they relate to the licensing objectives.

Section 157 of the Act identifies the bodies that are to be treated as responsible authorities.

They are:

- (a) a licensing authority in England and Wales in whose area the premises is wholly or partly situated
- (b) the Gambling Commission
- (c) the chief officer of police or chief constable for the area in which the premises is wholly or partially situated
- (d) the fire and rescue authority for the same area
- (e) (i) in England and Wales, the local planning authority, or
(ii) in Scotland, the planning authority
- (f) the relevant authority as defined in section 6 of the Fire (Scotland) Act 2005
- (g) an authority which has functions in relation to pollution to the environment or harm to human health
- (h) anybody, designated in writing by the licensing authority as competent to advise about the protection of children from harm
- (i) HM Revenue & Customs
- (j) any other person prescribed in regulations by the Secretary of State.

This page is intentionally left blank

Cheshire East – Area Profile (spring 2015)

Introduction

Cheshire East is the third biggest unitary authority in the North West and the thirteenth largest in the country. It therefore has a wide breadth of social grades, age profiles and ranges of affluence. There is a clear link between these measures and the likelihood of a person gambling. It also needs to be acknowledged that there are clear differences between the type of person who gambles responsibly and the type who is identified as a problem gambler. This profile will therefore concentrate on the measures that can contribute to gambling and problem gambling.



People

Cheshire East has an estimated population of 372,700¹, the population density is 3.2 residents per hectare², making Cheshire East less densely populated than the North West (5.0 per hectare) and England (4.1 per hectare).

Between the 2001 and 2011 Census, the median age of residents has increased from 40.6 years to 43.6 years³. Between the same years, the number of over 65s has increased by 11,700 residents or 26%, which is a greater increase than the North West (15%) and England & Wales (20%).

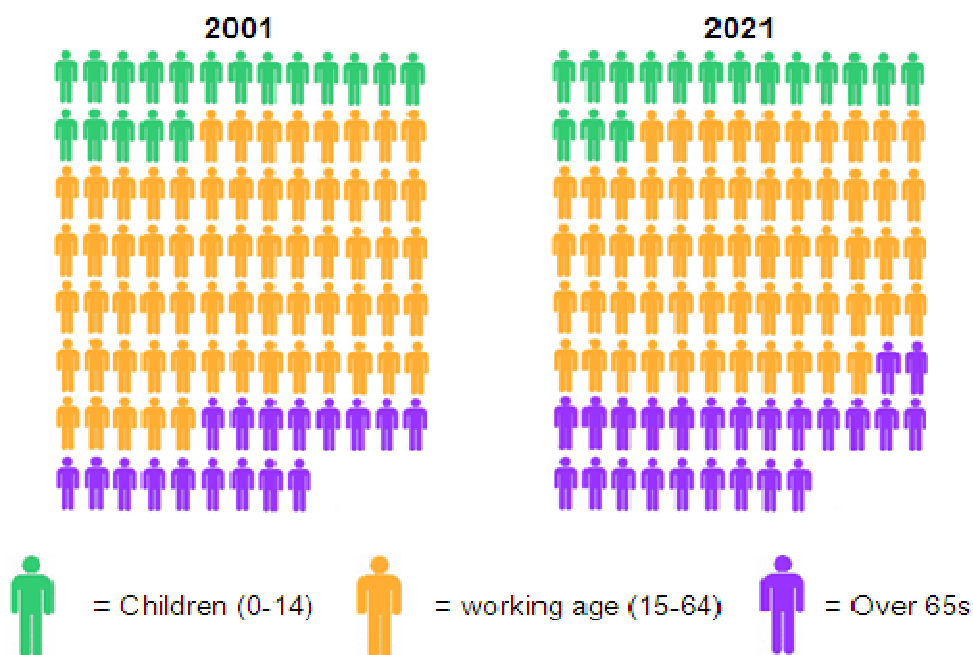
¹ 2013 Mid-year population estimates, Office for National Statistics, NOMIS, Crown Copyright

² 2011 Mid-year population estimates and UK Standard Area Measurements (SAM) 2011, Office for National Statistics, Crown Copyright

³ 2001 and 2011 Census, Office for National Statistics, Crown Copyright

From 2011 to 2021 the population is expected to increase by 15,700 people (4.2%) to 385,800, a greater increase than the North West (3.7%) but less than England (7.5%)⁴. The number of children (aged 0-14) is estimated to increase by 4%, with a slight decrease (-2%) in those of working age (15-64). The number of residents over the age of 65 is expected to increase substantially by 19%, however this increase is similar to England (20% increase). Caution should be exercised when using any predictions about the future population, as they assume trends in recent years will continue into future years.

Figure 1: Proportion of residents by broad age groups – change over 20 years⁵



Economy

Cheshire East contains 5.1% of the North West region’s working-age residents⁶, but accounts for an even greater share (5.7%) of the region’s employees⁷. In terms of economic output, its contribution is much greater still, at 6.9%⁸.

The proportion of working age residents who are claiming job seekers allowance benefit is low (1.0%) when compared to the North West (2.0%) and England (1.9%) averages⁹. Within Cheshire East there are large disparities – from 0.1% in Adlington & Prestbury to 2.7% in West Coppenhall and Grosvenor. If all out-of-work benefits are included rather than just those actively seeking work, 7.8% of residents of working age receive an out-of-work benefit¹⁰, ranging from 1.4% in

⁴ 2012 Sub-National Population Projections, Office for National Statistics, Crown Copyright

⁵ 2001 and 2011 Census, Office for National Statistics, Crown Copyright & 2012 Sub-National Population Projections, Office for National Statistics, Crown Copyright

⁶ 2013 Mid-year population estimates, Office for National Statistics, Crown Copyright

⁷ 2013 Business Register and Employment Survey, Office for National Statistics, Crown Copyright

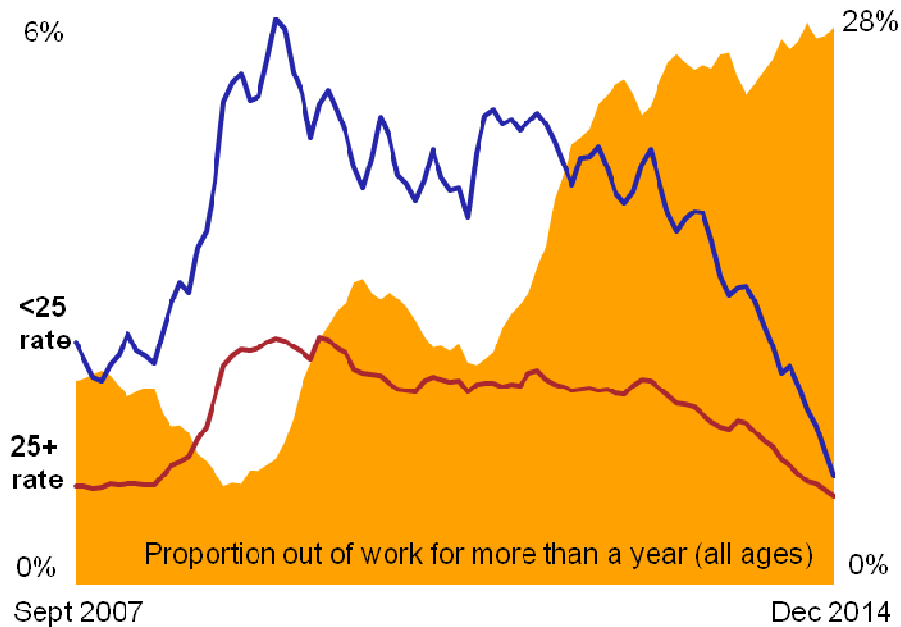
⁸ Regional GVA NUTS3 (1997-2013), Table 3.1, Regional Gross Value Added (Income Approach), Office for National Statistics

⁹ December 2014, JSA Claimant Count, DWP and 2013 mid-year estimates, Office for National Statistics, NOMIS, Crown Copyright

¹⁰ Out-of-work benefits, 4 quarter average July 2013 – June 2014, Department for Work and Pensions. Calculations consistent with NI 152/153

Macclesfield Town Tytherington to more than one in four residents of working age (26.5%) in East Copenhall, Crewe.

Figure 2: Job Seekers Allowance claimants (unemployment) for young people (under 25) and others (over 25), with the proportion of people of all ages claiming for more than one year¹¹



Average (median) household income levels are high (£33,000) compared to Great Britain (£28,500)¹². However, there is a considerable range of average household income levels at ward level, from £18,800 in Crewe St Barnabas ward to £56,900 in Prestbury. Across Cheshire East there are 16 of 231 statistical areas (LSOAs)¹³ which are within the top 20% of most deprived areas in England (figure 3), affecting 28,800 or 7.7% of Cheshire East's population¹⁴. 11 of these areas are in Crewe, with 2 in Wilmslow/Handforth, 2 in Macclesfield and 1 in Congleton. Overall, relative deprivation levels were worse in 2010 than 2007, as only 14 areas were within the top 20% of most deprived areas.

Acorn data is socio-economic data that analyses the residents and places them in classifications, depending on various factors such as demographics, affluence and spending habits. There are seventeen Acorn groups, with the 'Executive Wealth' group being the largest in Cheshire East (27%) a considerably higher proportion than the UK average (12%). There are also approximately five times more residents in the 'lavish lifestyles' groups within Cheshire East compared to the UK, although this group constitutes a small proportion of all Cheshire East's residents (6%).

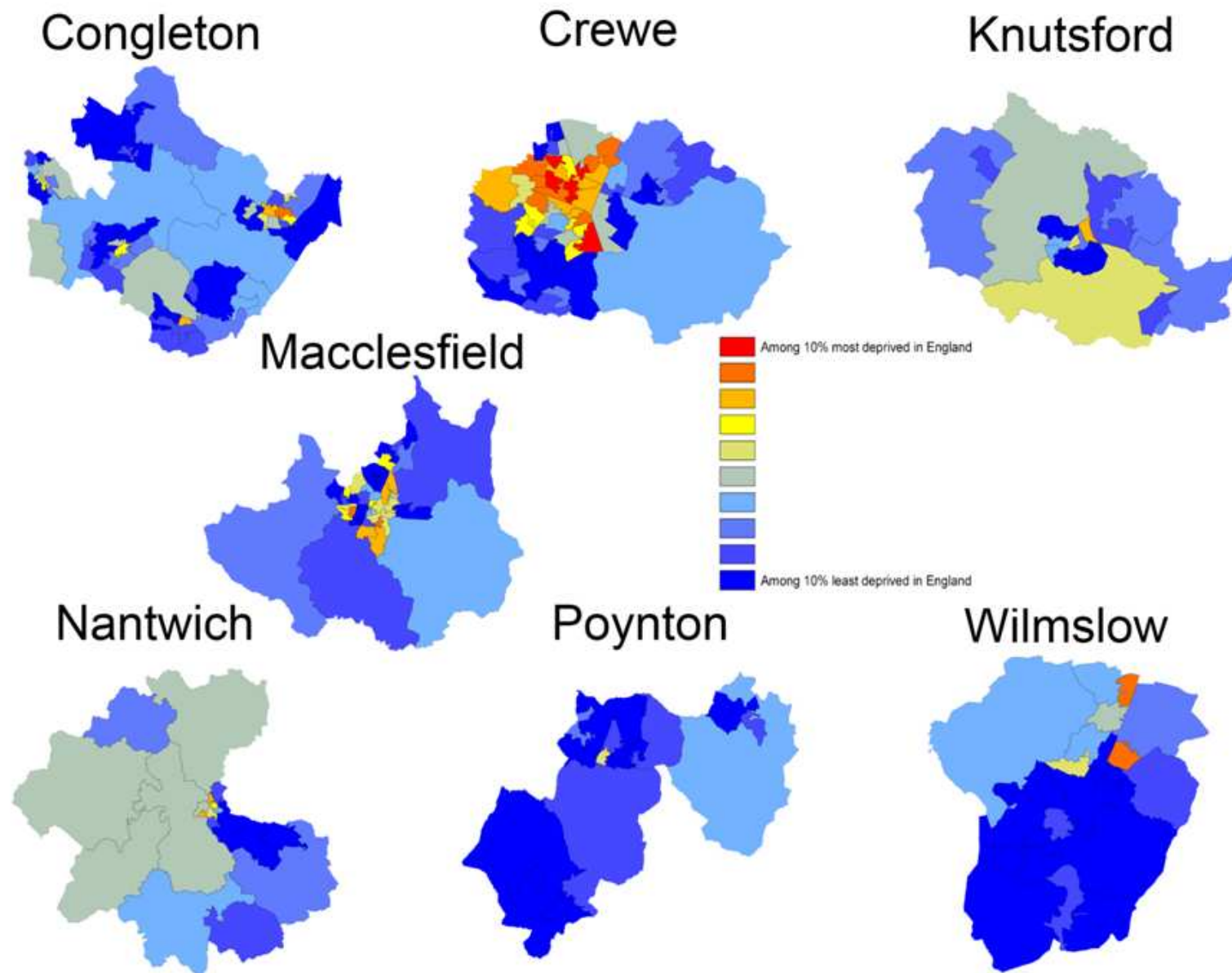
¹¹ December 2014, JSA Claimant Count, DWP and 2013 mid-year estimates, Office for National Statistics, NOMIS, Crown Copyright

¹² 2013/14 Paycheck, CACI Ltd. Figures are median values

¹³ Lower Super Output Areas

¹⁴ Indices of Deprivation 2007 and 2010, Department for Communities and Local Government with mid-year population estimates, 2013, Office for National Statistics

Figure 3 Deprivation by LAP, Index of Multiple Deprivation 2010



Source: IMD 2010, DCLG.
© Crown copyright and database rights 2012. Ordnance Survey 100049045.

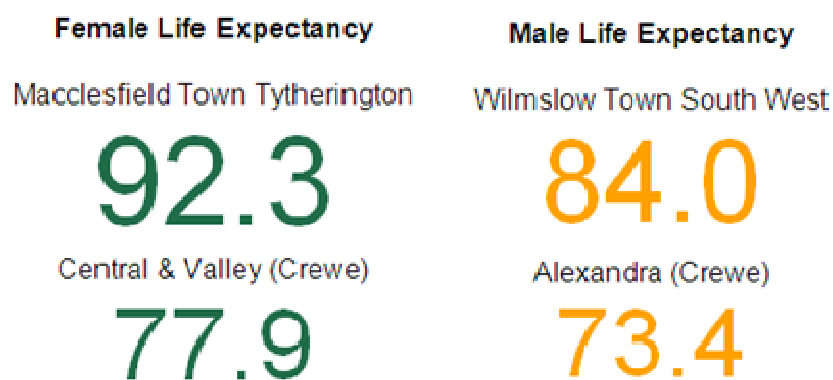
Health

In the 2011 Census, 17.5% of residents reported they had a long term problem or disability which limited their day to day activities, an increase from 16.7% in 2001¹⁵. In a recent survey of the Council's Citizens Panel, 74% of respondents described their general health as 'good or very good' and 5% described it as 'bad or very bad'¹⁶.

Life expectancy (LE) in Cheshire East is higher than regional (North West) and the national (England & Wales) averages. LE at birth for females is 83.6 years, compared to 81.8 years in the North-West and 83.1 years nationally¹⁷. LE at birth for males is 80.4 years, compared to 78.0 in the North West and 79.4 nationally.

There is a noticeable difference within the female population of around 14 years between the lowest rates in Central & Valley (Crewe) and the highest in Macclesfield Town Tytherington¹⁸. For males, there is an 11 year gap between the lowest rates in Alexandra and Crewe and the highest in Wilmslow Town South West.

Figure 4: Male and Female Life Expectancy at birth¹⁹



Smoking rates are generally relatively low. An estimated 16.6% of the adult population are current smokers, which is lower than the North West (23.6%) and England (22.2%). Rates vary from 7.9% in Adlington & Prestbury to 34.3% in St Barnabas²⁰.

Healthy eating rates are relatively high, with an estimated 31.4% regularly consuming their '5 a day', higher than both the North-West average (26.2%) and England (28.7%).

¹⁵ 2001 and 2011 Census, Office for National Statistics, Crown Copyright

¹⁶ Autumn 2011 Survey, InfluenCE, Cheshire East Research and Consultation Team

¹⁷ Life expectancy at birth and at age 65 by local areas in England and Wales, 2011-13, Office for National Statistics. National refers to the figure for England

¹⁸ Life Expectancy at Birth for MSOAs, 2006-10, Department for Health

¹⁹ Life Expectancy at Birth for MSOAs, 2006-10, Department for Health

²⁰ 2006-08 Estimates of Adults' Health and Lifestyles, Office for National Statistics (ONS)

Education

The qualification levels of working age residents in the Borough (aged 16-64) is high. An estimated 31% have a degree level qualification or equivalent and above, much higher than the North West (21%) and England & Wales (25%)²¹. Conversely, the proportion of residents with no qualifications (9%) is lower than the region (12%) and nationally (11%).

Prevalence of Licensed Gambling Premises

There are a total of 58 licensed gambling premises in Cheshire East, broken down into the following categories:

Town	Type	Number
Betchton	Adult Gaming Centre	2
Crewe	Adult Gaming Centre	3
Knutsford	Adult Gaming Centre	2
Macclesfield	Adult Gaming Centre	4
Total		11

Town	Type	Number
Alderley Edge	Betting Shop	1
Congleton	Betting Shop	4
Crewe	Betting Shop	17
Handforth	Betting Shop	1
Holmes Chapel	Betting Shop	1
Knutsford	Betting Shop	1
Macclesfield	Betting Shop	8
Middlewich	Betting Shop	2
Nantwich	Betting Shop	2
Poynton	Betting Shop	1
Sandbach	Betting Shop	3
Wilmslow	Betting Shop	4
Total		45

Town	Type	Number
Crewe	Bingo	1
Nantwich	Bingo	1
Total		2

There are no casinos and no licensed family entertainment centres.

The largest number of licensed premises are in the towns of Crewe and Macclesfield

²¹ Annual Population Survey January 2011 – December 2011, Office for National Statistics, Crown Copyright

Conclusion

According to NatCen's British Gambling Prevalence Survey of 2010 the rates of problem gambling in the general population are 0.9% and 0.5% (depending on the measures used). This would equate to a problem gambling population in Cheshire East of 33,543 and 18,635.

According to information available from the Gambling Commission there are 13,489 licensed gambling premises in the UK. Cheshire East's licences equate to 0.43% of this total.

Whilst gambling is prevalent across the country this prevalence appears to be concentrated in the main city areas and primarily in the London Boroughs. Compared to our neighbours Cheshire East has fewer licensed gambling premises per head of population:

Local Authority	Population	Number of Premises	Number PH
Cheshire East	372,700	58	0.00016
Cheshire West and Chester	331,000	79	0.00024
Stoke City	250,200	55	0.00022
Manchester	514,400	154	0.00029
Trafford	230,200	43	0.00019
Stockport	285,000	54	0.00019

As the persons most at risk from problem gambling are white, young males from a low income background this is most likely to affect the residents of Crewe and to a lesser extent Macclesfield. These are also the areas that already have the highest numbers of licensed gambling premises. It will therefore be incumbent upon applicants to demonstrate that they will take appropriate steps to follow the Gambling Commission's relevant Codes of Conduct and the Council's Statement of Gambling Principles to ensure that no one is exploited or harmed by gambling.

This page is intentionally left blank

Summary of gaming machine categories and entitlements

Category of machine	Maximum stake (from Jan 2014)	Maximum prize (from Jan 2014)
A	Unlimited - No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D - non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30P	£8
D - non-money prize (crane grab machine)	£1	£50
D - money prize (other than a coin pusher or penny falls machine)	10P	£5
D - combined money and non-money prize (other than a coin pusher or penny falls machine)	10P	£8 (of which no more than £5 may be a money prize)
D - combined money and non-money prize (coin pusher or penny falls machine)	20P	£20 (of which no more than £10 may be a money prize)

*with the option of a maximum £20,000 linked progressive jackpot on a premises basis only

This page is intentionally left blank

Summary of machine provisions by premises

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)				
Bingo premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Adult gaming centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institute (with permits)					Maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohollicensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohollicensed premises (with gaming machine permit)						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines

* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D. ** Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.

This page is intentionally left blank

Summary of gaming entitlements for clubs and alcohol-licensed premises

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol licensed premises
Equal chance gaming	Yes	Bridge and/or Whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 per week £250 per day £10 per person per game Other gaming No limit	Poker £1000 per week £250 per day. £10 per person per game Other gaming No limit	Poker £100 per premises per day. Other gaming £5 per person per game Cribbage & dominoes No limit
Limits on prizes	No limit	No limit	Poker £250 per game Other gaming No limit	Poker £250 per game Other gaming No limit	Poker £100 per game Other gaming No limit
Maximum participate on fees – per person per day	Bridge and/or whist* £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge and/or whist* £18 Other gaming £3 (commercial club) £1 (members' club)	Bridge and/or whist* £18 Other gaming £1	None permitted
Bankers or unequal chance gaming	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
Limits on bingo	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

* On a day when no other facilities for gaming are provided

This page is intentionally left blank

TABLE OF DELEGATION OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		X (Full Committee)	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice and occasional use notices			X
Decision to give a counter notice to a temporary use notice		X	

This page is intentionally left blank



STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

1 Introduction

- 1.1 This Statement of Principles ('the Statement') is published by Cheshire East Council ('the Council') as the Licensing Authority in accordance with section 349 of the Gambling Act 2005 ('the Act').
- 1.2 The Council has produced this Statement of Principles in accordance with the provisions of the Act and having regard to the provision of the Guidance issued by the Gambling Commission under Section 25 of the Act.
- 1.3 This Statement of Principles will come into effect on the date of publication by the Council and will be reviewed from time to time as necessary. This statement will be published at least every three years from the date of publication. Statutory consultation shall take place whenever amendments are proposed to the Statement of Principles, before it is republished.
- 1.4 This Statement of Principles deals with the approach the Council, as Licensing Authority, will take in relation to the following matters@:
 - (a) Licensing objectives;
 - (b) Licensable functions;
 - (c) General principles;
 - (d) Responsible Authorities;
 - (e) Interested Parties;
 - (f) Consideration of applications;
 - (g) Reviews;
 - (h) Gambling Premises Licences;
 - (i) Provisional Statements;
 - (j) Casino resolution;
 - (k) Permits;
 - (l) Temporary Use Notices;
 - (m) Occasional Use Notices;
 - (n) Information Exchange;
 - (o) Enforcement;
 - (p) Declaration (of matters to which the Licensing Authority has had regard);
 - (q) Scheme of delegation; and
 - (r) Sources of information

- 1.5 The persons and organisations consulted in relation to this revised Statement of Principles are listed below:

Responsible Authorities

The Gambling Commission;
Cheshire Constabulary;
Cheshire Fire & Rescue Service;
Local Planning Authority;
Environmental Health Department;
Local Safeguarding Children Board;
HM Revenue and Customs.

Persons representing the interests of persons carrying on gambling businesses in the authority's area

British Holiday and Home Parks Association
Business in Sport & Leisure
Casino Operators Association of the UK
Racecourse Association Lts
BACTA
British Casino Association
Association of British Bookmakers
The Bingo Association
British Beer and Pub Association
PubWatch Groups within the Borough
Chambers of Commerce & Enterprise

Persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005

Parish and Town Councils within the Borough
East Cheshire NHS Primary Care Trust
GamCare
Samaritans
Gamblers Anonymous
Citizens Advice Bureau
Local Service Delivery Committee for Crewe
Local Service Delivery Committee for Macclesfield
Adult Safeguarding Board

2 Cheshire East

- 2.1 Cheshire East has a population of 370,100 and covers an area of 116,638 hectares. Cheshire East's administrative area contains the industrial town of Crewe, the old mill towns of Macclesfield, Bollington and Congleton, the market towns of Alsager, Nantwich, Knutsford and Sandbach, the salt town of Middlewich, the town of Wilmslow as well as the smaller settlements of Holmes Chapel and Poynton.

A plan showing the geographical area within which the Council exercises functions as Licensing Authority is shown below.



3 Licensing Objectives

3.1 The Gambling Act 2005 requires the Council as Licensing Authority to carry out its various licensing functions with a view to promoting the three licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

3.2 The licensing authority shall aim to permit the use of the premises for gambling as set out in section 153 of the Act, that is so far as the Authority think it:

- (a) in accordance with any relevant code of practice under section 24 of the Act;
 - (b) in accordance with any relevant guidance issued by the Gambling Commission under section 25 of the Act;
 - (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above);
- and
- (d) in accordance with this statement of principles (subject to (a) and (c) above).

4 Licensable functions

The licensing functions within the Act include the following:

- the grant of premises licences and the issue of provisional statements in respect of premises where gambling activities are to take place;

- to receive notifications from premises licensed for the sale of alcohol (under the Licensing Act 2003) for the use of either one or two Category C or D gaming machines;
- to grant licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the premises where there are more than two gaming machines;
- to grant club gaming permits and club gaming machine permits for members' clubs;
- to grant club machine permits for commercial clubs;
- to grant permits for unlicensed family entertainment centres for the use of certain lower stake gaming machines;
- to grant permits for prize gaming;
- to receive and endorse notices for the temporary use of premises for gambling;
- to consider occasional use notices for betting at tracks;
- to register small societies' lotteries;
- to provide information and statistics to the Gambling Commission; and
- to maintain registers of licences and permits issued.

5 General Principles

- 5.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication of existing legislation and other regulatory regimes that place obligations on employers and operators such as the Health and Safety at Work Act 1974, the Disability Discrimination Act 1995 and the fire safety regime.
- 5.2 The Licensing Authority recognises that it may only consider matters within the scope of the Guidance issued by the Gambling Commission, the Act and the Codes of Practice. It is also recognised that there may be issues raised, such as the likelihood of the applicant obtaining planning permission, which are not relevant for the purposes of the Act.
- 5.3 The Licensing Authority makes a commitment to regulating gambling in the public interest.
- 5.4 Nothing in this Statement of Principles will undermine the rights of any person to make an application under the Act and have the application considered on its individual merits; or undermine the right of any person to make representations on any application or seek a review of a licence or permit where provision has been made for them to do so within the Act.
- 5.5 In determining its Statement of Principles, the licensing authority will have regard to the Guidance issued by the Gambling Commission, and will give appropriate weight to the views of those it has consulted. In determining what weight to give particular representations, the factors to be taken into account will include:
- who is making the representations (what is their expertise or interest);
 - what their motivation may be for their views;
 - how many other people have expressed the same or similar views;
 - how far the representations relate to matters that the licensing authority should be including in its statement of principles.

- 5.6 The Licensing Authority recognises that unmet demand is not a criterion for it when considering an application for a premises licence under the Act. Each application will be considered on its merits without regard to demand.
- 5.7 The Licensing Authority recognises that the location and proximity of premises to be used for gambling to other premises such as, for example, schools and other premises used by vulnerable persons, may be a relevant consideration with respect to the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The type of gambling which is to be offered will also be relevant.

Each application will be considered on its merits and the Licensing Authority will take into account any proposals by the applicant or licence holder which show how the licensing objectives may be satisfied.

6 Responsible Authorities

- 6.1 A 'Responsible Authority' may make representations about an application for a premises licence or may request a review of a premises licence.
- 6.2 For the purposes of sections 157 and 349 of the Gambling Act 2005, the following are responsible authorities in relation to premises in the area of Cheshire East:
- (i) The licensing authority in whose area the premises are wholly or mainly situated (Cheshire East Council)
 - (ii) The Gambling Commission
 - (iii) Cheshire Constabulary as the police authority
 - (iv) Cheshire Fire & Rescue Service as the fire and rescue authority
 - (v) The Local Planning Authority (Cheshire East Council)
 - (vi) Environmental Health Service (Cheshire East Council)
 - (vii) Local Safeguarding Children Board
 - (viii) Her Majesty's Revenue and Customs
 - (ix) Any other person prescribed, for the purposes of Section 157 of the Act, by regulations made by the Secretary of State.
- 6.3 In exercising this licensing authority's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc
- 6.4 In accordance with the Gambling Commission's Guidance for local authorities this authority designates the Local Safeguarding Children Board for this purpose.
- 6.5 The contact details of all the responsible authorities under the Gambling Act 2005 are available via the Council's website at: www.cheshireeast.gov.uk or on request from the Licensing Section.

7 Interested Parties

7.1 In addition to Responsible Authorities, 'Interested parties' can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in Section 158 of the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person-

(a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,

(b) has business interests that might be affected by the authorised activities, or

(c) represents persons who satisfy paragraph (a) or (b)"

7.1.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are as set out below.

7.1.2 Each case will be decided upon its merits.

7.1.3 This authority will not apply a rigid rule to its decision making, however it will consider the following as per the Gambling Commission's Guidance to local authorities:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- the nature of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that "sufficiently close to be likely to be affected" could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostel for vulnerable adults.
- the 'catchment' area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area, that might be affected.

7.1.4 Representations made on the grounds that an applicant would be in competition with an existing business or that there is allegedly no demand for additional gambling premises will not be considered to be relevant.

7.1.5 The Gambling Commission has also recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations. This authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the authorised activities.

8 Consideration of applications

- 8.1 The licensing authority is mindful of the Commission's Guidance which provides that the authority should set out in its statement what factors it may take into account when considering applications for premises licences, permits and other permissions and matters that it will consider relevant when determining whether to review a licence.
- 8.2 The licensing authority has determined to set out a number of factors, linked to the licensing objectives, which it may consider when considering applications. It should be noted that each case will be decided on its merits, so if an applicant can show how they might overcome licensing objective concerns, then that will be taken into account.
- 8.3 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- 8.3.1 In considering licence applications, the Licensing Authority will particularly take into account the following:-
- The location of the premises – for example if an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime.
 - The design and layout of the premises;
 - The training given to staff in crime prevention measures appropriate to those premises;
 - Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
 - Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
 - The likelihood of any violence, public order or policing problem if the licence is granted.
- 8.3.2 This licensing authority notes the Commission's Guidance in relation to the meaning of disorder in the context of gambling premises, namely activity that is more serious and disruptive than mere nuisance, and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it.
- 8.3.3 Applicants are encouraged to discuss the crime prevention procedures in their premises with the Licensing Officers of Cheshire Constabulary before making a formal application.
- 8.4 Ensuring that gambling is conducted in a fair and open way

8.4.1 This licensing authority has noted that the Commission's Guidance states: *"Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence."*

8.4.2 This licensing authority also notes, however, that the Gambling Commission also states *"in relating to the licensing tracks the licensing authorities' role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable."* It is recognised that because the track operator does not need to have an operating licence (although he may have one), the licensing authority may have to consider placing requirements on the premises licence holder about his responsibilities in relation to the proper conduct of betting.

8.5 Protection of children and other vulnerable persons

8.5.1 It is noted that, with limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments.

8.5.2 This licensing authority has noted that the Gambling Commission Guidance to local authorities states that "The objective talks of protecting children from being "harmed or exploited by gambling", but in practice that often means preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children

8.5.3 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include consideration of issues such as:-

- Supervision of entrances;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non-adult gambling specific premises.

8.5.4 The Licensing Authority recognises the Commission's Guidance which states that Licensing authorities should ensure that where category C or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

8.5.5 It is noted that in relation to casinos, the Act provides for a code of practice on access to casino premises by children and young persons. In accordance with section 176 of the Act, adherence to the code will be a condition of a casino premises licence.

8.5.6 The Council does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that “vulnerable persons” include:

- People who gamble more than they want to;
- People who gamble beyond their means;
- People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

8.6 Conditions

8.6.1 The Act provides licensing authorities with:

- The ability to exclude from the premises licence any default conditions that have been imposed under section 168; and
- The power to impose conditions on the premises licence

8.6.2 The Licensing Authority recognises its duty to act in accordance with the principles within section 153 of the Act and will not attach conditions which limit the use of premises for gambling except where to do so is necessary as a result of the requirement to act:

- In accordance with the Commission’s Guidance, the Commission’s Codes of Practice, or this statement of licensing principles; or
- In a way that is reasonably consistent with the licensing objectives.

The Licensing Authority will not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.

8.6.3 Any condition imposed by the licensing authority will be proportionate to the circumstances which it seeks to address. In particular, the licensing authority will ensure that premises licence conditions are:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

8.6.4 Decisions on individual conditions will be taken on a case-by-case basis, although this will be against the background of general policy set out in the Commission’s Guidance and this statement of principles.

8.6.5 There are conditions which the Licensing Authority cannot attach to premises licences which are:

- any condition which makes it impossible to comply with an operating licence condition;

- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs); and
- conditions in relation to stakes, fees, winning or prizes.

8.6.5 Where a condition is attached to a premises licence requiring door supervisors, the Licensing Authority will normally require those door supervisors to be Security Industry Authority (SIA) registered. Door supervisors at casinos or bingo premises are exempt from being registered by the SIA but the Licensing Authority considers that it is best practice for door supervisors working at casinos or bingo premises to have SIA training or similar.

9 Reviews

9.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities (including the Licensing Authority itself). The Licensing Authority will carry out the review unless it determines that a review should not be carried out based on whether the request for the review is relevant to the matters listed below, and with consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of principles

10. Gambling Premises Licences

10.1 Adult Gaming Centres

10.1.1 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the licensing objectives, for example, to ensure that those under eighteen years of age do not have access to the premises.

10.1.2 Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours

- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10.2 (Licensed) Family Entertainment Centres

10.2.1 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the licensing objectives, for example, to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

10.2.2 Appropriate licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare, Gamblers Anonymous, the Gordon House Association, National Debtline and local Citizens Advice Bureaux.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10.3 Bingo Premises

10.3.1 It is important that, if children are allowed to enter premises licensed for bingo, they do not participate in gambling, other than on category D machines.

10.3.2 Where category C or above machines are available in premises to which children are admitted the Licensing Authority will expect applicants to consider measures to ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

10.3.3 Further Guidance will be issued by the Gambling Commission about the particular issues which should be taken into account in relation to the suitability and layout of bingo premises. The Licensing Authority will take account of that Guidance when it is made available.

10.4 Betting Premises

10.4.1 The Licensing Authority will take into account

- the size of the premises;
- the number of counter positions available for person-to-person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people
- when considering the number, nature and circumstances of betting machines an operator wants to offer.

10.4.2 The Licensing Authority will consider making door supervision a requirement in circumstances where there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

10.4.3 The Licensing Authority is mindful of the conditions which may be attached to betting premises licences, which may include those relating to the restriction of the number of betting machines, their nature and the circumstances in which they are made available. The Authority will consider limiting the number of machines in circumstances where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. In these circumstances the Authority may take into account the ability of staff to monitor the use of such machines from the counter.

10.4.4 The Licensing Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the authority a single named point of contact, who should be a senior individual, and whom the authority will contact first should any compliance queries or issues arise.

10.5 Tracks

10.5.1 Tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track.

10.5.2 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas and do not have access to adult only gaming facilities.

10.5.3 It should be noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

10.5.4 Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry

- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

10.5.6 Where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, if these machines are above category D, the applicant must demonstrate that they will be located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

10.5.7 The Licensing Authority will consider restricting the number and location of betting machines in respect of applications for track premises licences.

10.5.8 When considering the number, nature and circumstances of betting machines an operator wants to offer, the Licensing Authority will take into account

- the size of the premises;
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people

10.5.9 The Licensing Authority will normally attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

10.6 Travelling Fairs

10.6.1 A travelling fair is defined as a fair consisting wholly or principally for the provision of amusements and is provided by persons who travel from place to place and is held at a place which has been used for the provision of fairs on no more than 27 days per calendar year.

10.6.2 Category D gaming machines or equal chance gaming may be provided without a permit provided that facilities for gambling amount to no more than ancillary amusement at the fair.

11 **Provisional Statements**

11.1 An applicant cannot obtain a full premises licence until the premises are ready to be used for gambling. An applicant may apply for a provisional statement in respect of premises expected to be constructed, altered or acquired.

11.2 Where a provisional statement is granted and an application subsequently made for a premises licence, the Licensing Authority will disregard any representations made which address matters that could have been addressed when the provisional

statement was considered unless there has been a change of circumstances.

- 11.3 A premises licence will be granted in the same terms as the provisional statement unless:
- representations are received which address matters that could not have been addressed when the provisional statement was considered;
 - there has been a change of circumstances; or
- the premises have been constructed or altered otherwise than in accordance with the plans and information included with the application for the provisional statement

12 Casino resolution

- 12.1 The Council may make a resolution to not grant premises licences for casinos. In doing so, it may take into account any principle or matter.
- 12.2 The Council has not passed a resolution not to grant premises licences for casinos.

13 Permits

13.1 (Alcohol) Licensed Premises Gaming Machine Permits

- 13.1.1 Premises licensed to sell alcohol are automatically entitled to have 2 gaming machines of categories C or D provided that:

- the requisite notice has been served on the Licensing Authority;
- the appropriate fee has been paid; and
- any code of practice relating to the location and operation of gaming machines is complied with.

- 13.1.2 The Licensing Authority can remove the automatic authorisation if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

- 13.1.3 If a licensed premises wishes to have more than 2 machines, then a permit is required.

- 13.1.4 The Licensing Authority must take account of the licensing objectives and any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005 when considering an application for a permit. The Licensing Authority may also consider such matters as it thinks are relevant. Such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from being harmed or exploited by gambling.

13.1.5 The Licensing Authority will expect the applicant to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Such measures may include notices and signage, adult machines being in sight of the bar or in sight of staff who will monitor that the machines are not being used by those under 18. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare, Gamblers Anonymous, the Gordon House Association, National Debtline and local Citizens Advice Bureaux.

13.2 Unlicensed Family Entertainment Centre gaming machine permits

13.2.1 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include CRB checks for staff, training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

13.3 Prize Gaming Permits

13.3.1 Prize gaming is a form of gaming where the size of the prize is determined by the operator and is not based on the number of persons playing or the total value of the stakes raised.

13.3.2 Premises which have a Premises Licence can provide prize gaming without the need for a separate Prize Gaming Permit issued by the Local Authority. Premises licensed as a casino* or a betting shop, or for bingo or for an adult gaming centre or as an FEC do not need a Prize Gaming Permit in order to offer prize gaming. In addition, an unlicensed FEC may provide prize gaming without a permit provided that a gaming machine permit has been issued and the gaming is equal chance gaming, and, finally a travelling fair may provide prize gaming provided that it is equal chance gaming.

* except for prize bingo which would require a permit/bingo operating licence

13.3.3 In exercising its functions in respect of prize gaming permits, the Licensing Authority need not, but may, have regard to the licensing objectives and must have regard to any guidance issued by the Gambling Commission.

13.3.4 There are conditions in the Act which a permit holder must comply with which are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day;
- the game must be played and completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played;

- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

13.3.5 Applicants should set out the types of gaming intended to be offered and should demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations; and
- that the gaming offered is within the law.

The Licensing Authority will consider these matters when determining the suitability of an applicant for a permit.

13.4 Club Gaming and Club Gaming Machine Permits

13.4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming machines permit.

13.4.2 The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance in accordance with regulations made under the Act.

13.4.3 A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

13.4.4 Members Clubs must:

- have at least 25 members;
- be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations. (It is anticipated that this will include bridge and whist clubs.);
- be permanent in nature;
- not be established to make commercial profit;
- be controlled by its members equally.

Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

13.4.5 The Licensing Authority may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Commission or the police.

- 13.4.6 There is also a ‘fast-track’ procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10).
- 13.4.7 Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced.
- 13.4.8 The only grounds upon which an application under the fast-track process may be refused are:
- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
 - that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
 - that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

14 Temporary Use Notices

- 14.1 A temporary use notice may only be given by the holder of an operator’s licence. A set of premises may not be the subject of temporary use notices for more than 21 days within a 12 month period.
- 14.2 A set of premises will be considered to be the subject of a temporary use notice if any part of the premises is the subject of a notice. Consequently, operators cannot extend the limits on temporary use notices in respect of large premises by giving separate notices for different parts of the premises.
- 14.3 The Licensing Authority will object to temporary use notices where it appears that they are being used to permit regular gambling in a set of premises.
- 14.4 In determining whether a place falls within the definition of “a set of premises” the Licensing Authority will take into consideration ownership/occupation and control of the premises. For example, a large exhibition centre will normally be regarded as one set of premises and will not be allowed separate temporary use notices for each of its exhibition halls. Individual units in a shopping centre may be regarded as different sets of premises if they are occupied and controlled by different people.

15 Occasional Use Notices

- 15.1 Where betting takes place on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.
- 15.2 A track includes a horse racing course, a dog track or any other premises on any part of which a race or other sporting event takes place or is intended to take place. This could include, for example, agricultural land upon which a point-to-point meeting takes place. The track need not be a permanent fixture. Those giving

occasional use notices will be expected to demonstrate that the premises fall within the definition of a track.

16 Information exchange

- 16.1 Licensing authorities are required to include in their statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 16.2 In fulfilling its functions and obligations under the Gambling Act 2005 the Licensing Authority will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Licensing Authority will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies. In addition, the Licensing Authority will act in accordance with guidance from the Commission and adopt the principles of better regulation.
- 16.3 Details of those persons making representations will be made available to applicants to allow for negotiation unless the individual notifies the Licensing Authority to the contrary within seven days of a request for confirmation of this. In the event of a hearing being held, the representation will form part of a public document. Anyone making representations will be informed that their details will be disclosed unless they advise to the contrary.
- 16.4 Data subjects may make requests for information held by the Licensing Authority about themselves to the Data Protection Officer, Cheshire East Council.

17 Enforcement

- 17.1 The Act requires licensing authorities to state the principles that they will apply when exercising their functions under Part 15 of the Act (inspection of premises) and the powers under section 346 (power to institute criminal proceedings in respect of offences specified).
- 17.2 The Council is a signatory to the Regulator Compliance Code and will follow the principles set out in it. The Code is based around the principles of consistency, transparency and proportionality. These principles are reflected within Cheshire East Borough Council's Enforcement Policy (available on request).
- 17.3 The Licensing Authority will be guided by the Gambling Commission's Guidance for local authorities and in accordance with both this Guidance and the Better Regulation principles will base its approach on the following:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - Consistent: rules and standards must be joined up and implemented fairly;

- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects

- 17.4 The Code (available upon request) proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a referral to a Sub-Committee for a review, the issue of a Formal Caution or a referral for prosecution.
- 17.5 The Licensing Authority will adopt a risk-based programme of inspections; this will include targeting high-risk premises which require greater attention, whilst operating a lighter touch in respect of low-risk premises, so that resources are more efficiently concentrated on problem premises.
- 17.6 As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

18 Declaration

In producing this statement of principles the authority has had regard to the licensing objectives of the Gambling Act 2005, and the guidance issued by the Gambling Commission. In producing the final statement the licensing authority will also have regard to any responses from those consulted on the statement.

19 Scheme of delegation

- 19.1 The Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.
- 19.2 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Licensing Authority Officers. The table shown at Appendix A sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committee and Officers. This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

20 Sources of information

Further information about the Gambling Act 2005, this Statement of Principles or the application process can be obtained from:-

Licensing Section
Cheshire East Council – Westfields, Middlewich Road, Sandbach CW11 1HZ

www.cheshireeast.gov.uk

licensing@cheshireeast.gov.uk

Information is also available from:-

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6666
e-mail info@gamblingcommission.gov.uk
Website: www.gamblingcommission.gov.uk

APPENDIX A

TABLE OF DELEGATION OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		X (Full Committee)	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice and occasional use notices			X
Decision to give a counter notice to a temporary use notice		X	

APPENDIX B

GLOSSARY OF TERMS

Licensing Objectives: Council:	As defined in section 1.3 below Cheshire East Council
Borough:	The area of Cheshire administered by Cheshire East Borough Council
Applications:	Applications for licences and permits as defined in section 4 above
Notifications:	Means notification of temporary and occasional use notices
Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place, including a vehicle, vessel or moveable structure
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Cheshire East Council
Responsible Authority:	For the purposes of this Act, the following are responsible authorities in relation to premises: <ol style="list-style-type: none"> 1. The Licensing Authority in whose area the premises are wholly or mainly situated (“Cheshire East Council”); 2. The Gambling Commission; 3. Cheshire Constabulary; 4. Cheshire Fire & Rescue Service; 5. Local Planning Authority, Cheshire East Council; 6. Environmental Health Department, Cheshire East Council; 7. Local Safeguarding Children Board; 8. HM Customs and Excise.
Interested Party:	For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:- <ol style="list-style-type: none"> a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities; b) Has business interests that might be affected by the authorised activities; c) Represents persons who satisfy a) or b) above.